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PRESIDENT'S PAGE

The most important work of the Association is, of course, carried on by its committees. How splendidly this work was done during the past year is clearly seen in the reports of the committees which you have already read in mimeographed form and which will be preserved permanently in the next issue of the LAW LIBRARY JOURNAL.

The Executive Board felt that the functions of several committees overlapped those of other committees of the Association or of representatives of the Association to other associations or joint committees. At its meeting in Toronto the Board examined the committee and representative structure of the Association and voted the following changes in which I am sure you will all be interested:

1) Elimination of the Committee on Loose Leaf Publications because the reason for its existence no longer exists.

2) Elimination of the Committee on Public Relations because its work dealt only with the Annual Meeting and the Committee on Local Arrangements should handle all matters in connection with the Annual Meeting.

3) Elimination of the Committee on Revision of Constitution and By-Laws because it is no longer necessary.

4) Elimination of the Committee to Cooperate with the Joint Committee on Library Education of the Council of National Library Associations because the Committee on Education and Placement of the A.A.L.L. is the logical one to do the cooperating. In addition the Representative of A.A.L.L. on C.N.L.A.'s Joint Committee on Education for Librarianship and the Representative of A.A.L.L. on C.N.L.A.'s Joint Committee on Library Work as a Career should be members of the A.A.L.L. Committee on Education and Placement. This change will unify our efforts in this most important field of activity.

5) Elimination of the Special Committee to Cooperate with the Council of National Library Associations because the Representative of A.A.L.L. on C.N.L.A. handles this cooperation and the Committee never actually functioned.

I believe that these changes will make our committee work more efficient. I hope that any member who has suggestions concerning committees of the Association will communicate them to me or to the new Secretary, Frances Farmer.

Since this issue of the JOURNAL follows so closely the Annual Meeting it is not possible to announce in it the appointment of the members of committees. Appointments will be made very soon so that the committees will not be delayed in undertaking the important tasks confronting them.

FORREST S. DRUMMOND

THE PUBLICATION OF LEGAL TREATISES IN AMERICA FROM 1800 TO 1830 *

KATE WALLACH

This is an age in which the American has become conscious of his heritage and his accomplishments. Mid-century is particularly well suited to the undertaking of surveys, and lawyers are presently the subject of one. We are not only counting noses and dollars; we are vitally concerned with legal education and with the tools, the law books, used by the lawyers in their work.

If we examine these law books in our libraries, we find that most of our collections consist of reports and statutes, indexes and digests, and that most of the recent manuals explaining the use of law books discuss these same classes of books. Very little attention has been given to legal treatises.

In the recent work of Friend, *Anglo American Legal Bibliographies,* published by the Library of Congress in 1944, we find only seven entries for bibliographies of American legal treatises. One is an old book catalog, two are by Hicks, two by James, and one each by Marvin and Soule. None of them, except James, intended to give complete coverage of all treatises published for any given period.

Although during the last ten or twenty years, many studies of old records in local areas have been made which have unearthed materials unknown to the pioneers in American legal history, the standard general works on the lawyer, Warren's *History of the American Bar* and his *History of the Harvard Law School,* written at the beginning of the century, are still the most revealing bibliographical tools for the early history of legal literature. To these may be added a more recent study by Aumann, *The Changing American Legal System,* 1940.

For the colonial period, we have a separate listing of legal treatises printed in this country before 1801, prepared by the late Professor James.[1] This list consists of 141 titles published between 1687 and 1800. As Pro-

* This article is based on a survey made in 1941 at the University of Michigan for a course in library science. The attached list of legal treatises emerged from the use of bibliographical tools and the shelf list at the Michigan Law Library. It constitutes an attempt to continue the late Professor James' *List of Legal Treatises Printed in the British Colonies and the American States Before 1801.* Harvard University Press, 1934. No effort has as yet been made to check my list against other bibliographical or library resources.

In compiling the list, I became interested in the publishers' histories and included as much information as I could find in the Michigan libraries during the time at my disposal.

In preparing the paper for publication, I have added some information from Aumann, *The Changing American Legal System,* 1940, from articles in the *Green Bag,* and from Lewis, *Great American Lawyers.*

Wheaton's works should have been included. I recollect that the reason for the exclusion was that he has been covered in treatises on the American Reporters. The list does not include any general works intended for laymen, nor statutes and reports. The actual number of legal treatises found was 580 of which 68 are included in the list, the others consisting either of reprints of English editions, translations of foreign works or manuals.

1. This study is available in reprint form. It was originally published in *Harvard Legal Essays* written in honor of and presented to Joseph Henry Beale and Samuel Williston. Harvard University Press, 1934.

fessor James points out in his introduction: "All of the books within this period (1687-1788) which by any stretch of definition might be regarded as legal treatises were for the use of laymen."[2]

The Annual Law Register of the United States by William Griffith contains information on law books for twenty four states up to the year 1822. The information was obtained by means of a questionnaire addressed to "gentlemen of the law in each state known to me (Griffith) for their experience and eminence at the bar." Naturally, the value of the answers depended on the diligence of the correspondents.

To these publications must be added Hoffman, *A Course of Legal Study*, 2d ed., 1836, which is of great value to the legal bibliographer of the early nineteenth century.[3]

Brief History of the Period 1800-1830

It may briefly be mentioned that the period covered by the survey was the one after the revolution, when Jefferson was President, when John Marshall was Chief Justice of the Supreme Court of the United States. During part of this period, the war against England was fought which brought about an emancipation from English tradition. This change had its effect on court procedure, for many states enacted statutes which expressly forbade the citing of English decisions to American judges.[4]

Henry Steele Commager in his *The American Mind*, 1950, at pp. 19-20, describes the attitude of the Nineteenth Century American toward law as "a curiosity."

> "It was the universal observation that few people were more lawless than the American . . . Yet, if the American displayed a cavalier disrespect for law and an abiding suspicion of lawyers, he venerated law. It was his pride that every American was equal before the law . . . In his country alone, the Constitution was supreme law; here alone the judiciary could nullify acts of all legislative bodies. Certainly nowhere else in the world was law more assiduously studied; nowhere else did lawyers play so important a role in politics or in daily affairs. The American lawyer was a leading citizen at a time when his English colleague was but a minor clerk, and throughout the century lawyers dominated the legislature of even the farming states."

We may recall that, until the eighteenth century, there were few lawyers in the colonies, that they began to assume a large share in the political activities that led to the Revolution, and that they participated thereafter, up to this date, in the government of their individual states and that of the United States. "The learning of colonial lawyers was likely to be that of the common law, but there was a very distinct influence of Natural Law ideas as well as those of the Civil Law."[5]

While tradition was in favor of law office instruction for the prospective lawyer and "strongly against the idea of professional teaching of law in universities,"[6] isolated college professorships in law were established at several colleges at the end of the colonial period. The beginning of the nine-

2. *Ibid.*, p. 159.

3. Trade bibliographies are discussed later.

4. Aumann, F. R. *The Changing American Legal System*. 1940, p. 79.

5. Radin, *Handbook of Anglo-American Legal History*. 1936, p. 259.

6. Hepburn, "The State University Law School" in *Green Bag* 24:179 (1912).

teenth century saw the growth of law schools and an "increasing tendency to develop law as a science and to elevate the lawyers to a position of public leadership."[7]

From biographies, inventories and old county records, we are now able to reconstruct the holdings of old American law libraries. We know that many were well equipped with English standard reports and abridgments, with the works of Coke and Littleton and Blackstone; that numerous treatises from continental countries, France, Italy, Spain, Germany, had been imported; that English texts had been reprinted in this country; that farsighted publishers prepared translations for their American customers interested in commercial, maritime and international law. Some of these editions are listed in the booksellers' and publishers' trade bibliographies which cannot be any more relied on for complete listings of legal publications than our modern trade bibliographies.[8] Besides reports and statutes and practice manuals, we find the first genuine legal treatises which made their appearance at the beginning of the nineteenth century.

Law Publishers

Book publishing during the colonial period has been the subject of many studies. Publishers, printers and booksellers worked closely together. Until about the middle of the nineteenth century, markets were localized. All publishers issued about the same kind of books. Since communication was difficult, it was not likely that any publisher invaded another's territory for the purpose of competing with him. Any large printing job was seldom started without the publisher's having obtained coöperation from a number of booksellers who presumably shared the risk of publication.

Towards the end of the eighteenth century and at the beginning of the nineteenth there developed, besides local markets, certain publishing centers. While Boston had been dominant as a general center during the colonial period, it ceded its place to Philadelphia which was in turn superseded by New York.

In 1801, the American Company of Booksellers was formed which conducted business in New York, Philadelphia and Boston. The company was primarily organized for the purpose of regulating the sale of books by fairs. But it also undertook the publication of costly editions at joint expense of its members, each one subscribing to a certain number of copies.

A check of the legal titles published between 1687 and 1800, reveals the following distribution of publishers: 141 titles were published by 68 publishers in 14 states and 22 cities. The 580 titles published between 1800 and 1830 were published by 85 publishers in 16 states and 30 cities.[9]

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7. Aumann, *Op. cit.*, p. 42.

8. See the Catalog of the *Boston Booksellers*, published in 1804 and Roorbach, *Bibliotheca Americana*, N.Y., 1852-61. The latter covers the period 1820-1852. It contains a list of lawbooks at the end with information on author, title, publisher, date and price. Roorbach lists 400 titles, exclusive of statutes, trials, etc., published by 11 publishers between 1820 and 1852.

9. *Publishers' Weekly* reports the following number of legal titles published during the last three years:

	New titles	New editions	Total
1949	192	75	267
1950	228	70	298
1951	223	59	282

In the colonial, as well as in the later period, all states along the Atlantic Coast were represented, from Maine to South Carolina, as well as Pennsylvania and Kentucky. The two additional states where legal treatises were found in the later period were Tennessee and Louisiana.[10]

City wise, the preponderance of publishers of legal texts in the colonial period was found in Philadelphia (20) with Boston coming close (12) and New York trailing behind (8). During the period 1800-1830, 17 imprints were found for New York, 14 for Philadelphia and 13 for Boston.

For the year 1820, Bishop provides an evaluation of the book publishing business:[11]

Bishop estimates the value of books published in 1830 at $3,500,000, of which $1,000,000 were school books. The increase since 1820 was over 40 per cent. The number of volumes annually printed in Philadelphia was estimated at half a million. The printing offices numbered 51, and the presses 153. The figures for Philadelphia apply to the year 1810.

The search for biographical data on some of the publishers brought to light instances where a lawyer gave up a lucrative practice to become a publisher (Mr. Banks); and where a printer became a publisher, translator, court reporter and justice of the Supreme Court of Louisiana (Francois Xavier Martin).

A check of the imprints linked Grigg with Lippincott and Halstead led to Baker, Voorhies.

The only survivors among the law publishers of the old days are the firms of Banks & Co.; Baker, Vorhies & Co. and Little, Brown & Co.

Biographical Notes on Publishers

Banks, New York and Albany

David Banks was born in Newark, New Jersey, in 1786. He began the study of law in the office of Charles Brainard, New York, in 1806. He became his partner and practiced law for a few years. Upon the suggestion of judges of the Court of Chancery and of the Court of Error, he gave up the practice of law to become a law publisher. He opened his first office at the corner of Broad and Wall Streets where J. P. Morgan is now located. At about the same time, namely in 1809, he started a branch store in Albany. David Banks, Sr. retired in 1857. He is described as "a man of strong and attractive personality, an uncompromising 'hardshell Democrat' who possessed the friendship of eminent men of his time. He was often urged to accept nomination for public office." He served as alderman and president of the Board of Aldermen.

10. The twenty five law publishers of 1949, as listed in the *American Book Trade Directory* of that year, were located in California, Minnesota, Missouri, Illinois, Indiana, Ohio, Georgia, Virginia, Washington, D. C., Pennsylvania, New York and Massachusetts.

11. Bishop, J. L. *History of American Manufacturers from 1608-1860.* Philadelphia, 1864-66. v. 2 p. 260.

"The total value of the book publishing business of the United States this year was estimated by the late S. G. Goodrich (Peter Parley) at $2,500,000, viz: of school books, $750,000; classical $250,000; theological $150,000; law $200,000; medical $150,000, all others $1,000,000. The relative proportions of British and American books consumed, was stated to be, of American 30, and of British 70 per cent of the whole. During the next 30 years the proportions were reversed, the American forming 70 and the British 30 per cent of the whole."

After William Gould joined Banks as a partner, the firm's name underwent several changes. It was known as "Gould and Banks," then as "Banks, Gould & Company" in New York and as "Gould, Banks & Company" in Albany. After David Banks' retirement, David Banks, Jr., Charles and A. Bleecher Banks organized a new firm under the name of "Banks & Brothers." A. Bleecher Banks took charge of the Albany branch.* The firm was very successful. American editions of English standard works were offered at prices considerably lower than that charged for the original editions. The firm sold its publications to Stevens & Sons in England. Banks shipped the first lot of law books ever sent to California.

A general catalog of modern law books was published by Banks in 1852. It gives an excellent picture of the firm's activities. The catalog is quite comprehensive and well planned. It contains three sections: 1. Law books published by the firm listing author, full title, contents and excerpts from book reviews and letters of recommendations to the publishers. 2. Chronological list of English and American reporters. 3. General catalog of law books arranged alphabetically by author giving size, price, place of publication and date. A subject index with reference to authors is included at the end. The introduction reads in part as follows:

"We believe we can state with entire accuracy that we have on hand the largest and most complete assortment of law books ever offered for sale in the United States. In the statutory law and reports of the various states of the Union our collection is complete. We are proprietors of the Reports of the state of New York, which are required to complete every library . . . The English statutes and reports we receive regularly as they are published. We are now republishing the English Chancery reports without abridgment or alteration in a style superior to the original, and at a very moderate cost.

"Our collection of text books and digests, both American and English, will be found perfect. The increasing disposition to study the Civil law has induced us to turn our attention also in that direction, and we are prepared to execute any order for foreign or continental law books with great promptness.

"An experience of forty years in the publication and sale of law books has enabled us to become well acquainted with the wants of the younger members of the bar, who cannot afford more than a small collection of practical works. And we will be happy to make such suggestions as may be desired on the subject. . . ."

Among Banks' publications are reports of the United States Supreme Court and those of several state supreme courts. Among its authors were Anson and Joyce.[12]

Baker, Voorhies & Company, New York

John Stevens Voorhies, after having served his clerkship in Oliver Halsted's law book store in New York City, established originally in 1820, became Halsted's partner, and upon the latter's death, sole owner of the establishment in 1842. According to Derby, Voorhies "had the confidence and patronage of the law booksellers and the leading lawyers of that time, his store being the favorite resort of such eminent men as Chancellor Kent, Edward Sanford, Theodore Sedgwick,

* The Albany branch of Banks and Company was later purchased by Matthew Bender and Co. William Baldwin bought the New York business and under the firm name of Banks-Baldwin Law Publishing Co. moved to Cleveland, Ohio. Ed Note.

12. *Appleton's Cyclopaedia of American Biography*, v. 1, p. 158; *Green Bag* 22:323 (1910).

David Dudley Field, William M. Evarts and Charles P. Daly."[13]

After Voorhies' death, in 1865, the business was reorganized under the firm name of Baker, Voorhies & Company. The junior partner was the nephew of the founder, having been connected with him for over twenty years.

Mr. Peter C. Baker, the senior member of the new firm, began his career in the bookselling business as a young man. Then he decided to become a printer. He served his apprenticeship with William E. Dean who was an extensive printer and publisher of legal and classical books. Later, Baker became superintendent of the printing establishment of John F. Trow, publisher of the New York City Directory. Trow, at that time, was printer for D. Appleton & Company and George P. Putnam, John Wiley and others.

In 1850, Baker began his own printing establishment together with Daniel Godwin under the name Baker & Godwin. Their specialty was the printing of law books which brought Baker in contact with Voorhies who induced him to become a law publisher. Derby names as the most important law books published by this firm: Townshend on Slander and Libel, Shearman and Redfield on Negligence, Bliss on Life Insurance, Gerard on Titles to Real Estate, Kerr on Fraud and Mistake, Waterman on Set-off, Ram on Facts and the Science of Legal Judgment and the works of the Abbott Brothers.[14] He relates, ". . . the relations of this firm with the authors of law books have been of the most agreeable nature. One of the oldest authors in the state came to them unsolicited, to publish a new treatise, because he was so well pleased with the mechanical appearance of the books issued by that house. The author sent the following letter to the firm upon publication of the book and the first account of sales rendered: 'The statement is highly satisfactory, I feel that I am greatly indebted to your spirit, business tact and extended reputation and experience as publishers, for the rapid sale of the work.' "[15]

Little, Brown & Company, Boston

The firm dates its beginning in the book field back to 1784 when Ebenezer Battelle opened a little bookstore on Marlborough Street in Boston. There were three changes of proprietorship before the end of the century, all under different names. Then for thirty years, from 1797-1827, the business belonged to W. P. and L. Blake, who were publishers as well as booksellers. In 1813, the business passed into the hands of Jacob A. Cummings, who taught private school in Cambridge, and William Hilliard, proprietor of the Harvard University Book Store. In 1821, the firm name became Carter, Hilliard & Company, and Timothy Carter, who had come in as an apprentice, ran the store. He engaged Charles C. Little as a clerk. When Mr. Carter withdrew from the firm, Harrison Gray came in and, in 1827, a new firm, under the title of Hilliard, Gray & Company was formed. Charles C. Little was a partner during

13. Derby, J. C. *Fifty Years Among Authors, Books and Publishers.* 1884, p. 655.
14. Derby, *Op. cit.*, p. 656.
15. *Ibid.*

some part of the next ten years and for a time the firm name was Hilliard, Gray, Little, and Wilkins. Meanwhile, James Brown, who had begun work in Mr. Hilliard's Cambridge bookstore in 1818, had become his partner in 1826, then had acquired an interest in the firm of Hilliard, Gray & Company in Boston. Apparently, the two companies were closely affiliated for a time, and one must suppose that during this period Mr. Little, who married Hilliard's daughter in 1829, and Mr. Brown had become very close friends.

It was Carter who foresaw the importance of law books. He devoted most of his time to the production of law books, and from that time on the number and importance of the legal text books commenced to increase. Finding the work too much for him, he advertised for a clerk and Charles C. Little was hired. In 1830 the firm moved to 112 Washington Street, afterwards changed to No. 254. There its business in law books and the importation of foreign books as well, become an even greater factor, so that in 1837, when Mr. Little and James Brown became the sole owners, the foundation of a foremost law-publishing and bookselling house had already been laid.

The old Little & Brown store at 254 Washington Street, in a building owned by Harvard College, came to be the rendezvous for those who sought the standard or the newest legal literature, and for lovers of the best and rarest books as well. Rufus Choate was a great lover of fine books and he frequently visited Little & Brown's. Daniel Webster was a large buyer of costly English books. Justice Story was a large buyer, particularly of books on civil law. The firm's list of legal authors included such names as Kent, Story, Greenleaf, Parsons, and Washburn.

Charles Coffin Little was born on July 25, 1799 in Kennebunk, Maine. He left his native state as a youth to secure employment in Boston, and spent a short time in a shipping house before entering the book business. He gave much of his time to the legal publications of the firm. They took over from Hilliard, Gray and Company the first three or four of Judge Joseph Story's works and soon issued others; then came the first great American work on Evidence by Simon Greenleaf. Mr. Little was active as a capitalist and, to some extent, in public affairs. He was a large owner of real estate in Cambridge. He was instrumental in introducing three great improvements in that city: Water, the horse railroad and the gas light; and at the time of his death in 1869 he was president of the Charles River National Bank.

Augustus Flagg joined the firm as a partner in 1840. He had begun his career in the bookstore of Clarendon Harris in Worcester, Massachusetts. He later applied for a clerical job with Little, Brown who did not have a vacancy at that time. Flagg finally found employment with Robinson & Franklin in New York. He had not worked for more than two weeks, when he received and accepted an offer from Little, Brown. Upon C. C. Little's death, Flagg became managing partner of the concern, in 1869.

Derby relates that Flagg told him about some of the customers of the firm. "Chief Justice Story was a frequent caller . . . He would come in and lay out large supplies of old books, principally works on civil law, volume after volume, in all languages. He was always full of humor, and was so much of a talker that it was hard for anyone to get in a word. One time Chancellor Kent came into the store while William C. Rives of Virginia, with some other eminent gentlemen were conversing together. Story and Kent had not met for a long time. Kent was also a tremendous talker, and it was amusing to watch the race of words between them. When Story would get the floor he would stick to it as long as possible, then Kent would get ahead, struggling with equal vigor to hold on. They seemed so delighted to see one another, when they met, it was difficult for either one to find an opportunity to speak."[16]

Up to this date, important legal publications bear the imprint of Little, Brown & Company.

List of Legal Treatises by American Authors Printed in the U. S. from 1800-1830

American precedents of declarations. Boston, Printed by Manning & Loring, for Barnard B. Macanulty, Salem, June, 1802.

———. 2d ed. New York, Pub. by Stephen Gould. Gould & Van Winkle, printers. 1810.

———. 3d ed., with corrections . . . Brookfield, Mass. Printed by E. Merriam & Co. for the proprietor of the copyright. 1821.

Angell, Joseph Kinnicut. An inquiry into the rule of law which creates a right to an incorporeal hereditament, by an adverse enjoyment of twenty years. Boston, Hilliard, Gray, Little and Wilkins, 1827.

———. A treatise on the common law, in relation to watercourses. Boston, Wells and Lilly, 1824.

———. A treatise on the limitation of actions at law, and suits in equity. Boston, Hilliard, Gray, Little and Wilkins, 1829.

———. A treatise on the right of property in tide waters, and in the soil and shores thereof. Boston, H. Gray, 1826.

Blackstone, Sir William. Blackstone's Commentaries . . . By St. George Tucker. Philadelphia, Pub. by W. Y. Birch, and A. Small, R. Carr, printer, 1803.

———. An analytical abridgment of the commentaries . . . By John Anthon. New York, Printed and published by Isaac Riley, 1809.

Blake, Dominick T. An historical treatise on the practice of the Court of chancery of the state of New York. New York: Printed by J. T. Murden, no. 110 Pearl-Street, for Stephen Gould, law bookseller, sign of Lord Coke, corner of Wall and Broad streets, 1818.

Brackenridge, Hugh Henry. Law miscellanies. Philadelphia, P. Byrne, 1814.

Chipman, Daniel. An essay on the law of contracts. Middlebury, Vt. The author, 1822.

Cooper, Thomas. The bankrupt law of America, compared with the bankrupt law of England. Philadelphia, Printed by John Thompson, 1801.

Dane, Nathan. A general abridgment and digest of American law. Boston, Cummings, Hilliard & Co., 1823-29. v. 9 Pub. by Hilliard, Gray, Little and Wilkins.

Davis, Daniel. A practical treatise upon the authority and duty of justices of the peace in criminal prosecutions. Boston, Cummings, Hilliard & Co., 1824.

———. 2d ed. Boston, Hilliard, Gray, Little, and Wilkins, 1828.

Doddridge, Joseph. Notes on the settlement and Indian Wars of the Western parts of Virginia and Pennsylvania . . . Wellsburgh, Va. Printed at the office of the Gazette, for the author, 1824. Historical records survey. West Virginia Item 59. Sabin 20490.

Dunlap, John A. The New York justice. Printed and published by Isaac Riley. New York—1815.

———. A treatise on the practice of the Supreme court of New York. Albany, E. F. Backus, 1821-23.

Fessenden, Thomas Green. Essay on the law of patents for new inventions. Boston, D. Mallory & Co., Portland, Lyman, Hall & Co. S. T. Armstrong, printer, 1810.

———. 2d ed. Boston, C. Ewer, 1822.

Freeman, Samuel. Probate directory. Boston, 1803. Warren, imprint not found.

———. 2d ed. Printed by I. Thomas & E. T. Andrews, 1803.

16. *Ibid.*, p. 674-75.

Graydon, William. Forms of conveyancing, and practice, in various courts, and public offices. Printed at Harrisburgh (Penn.) by John Wyeth, 1810-11.

Harris, Thomas. Modern entries, adapted to the American courts of justice. Annapolis, Printed by F. Green, printer to the state, 1801.

Hening, William Waller. The American pleader and lawyer's guide. New York: Printed and published by Isaac Riley, 1811-26. Vol. 2 published at Richmond by Peter Cottom.

———. Maxims in law and equity. Richmond, Printed by T. W. White, 1824.

Herttell, Thomas. The demurrer; or, Proofs of error in the decision of the Supreme court of the state of New York, requiring faith in particular religious doctrines as a legal qualification of witnesses; thence establishing by law a religious test, and a religious creed. New York, E. Conrad, 1828.

Hoffman, David. A course of legal study. Baltimore: Published by Coale and Maxwell, Pomeroy and Toy, Printers, 1817.

Ingraham, Edward Duncan. A sketch of the insolvent laws of Pennsylvania. Philadelphia, P. H. Nicklin, 1822.

———. 2d ed. 1827.

Jackson, Charles. A treatise on the pleadings and practice in real actions. Boston, Wells & Lilly, 1828.

Jefferson, Thomas. A manual of parliamentary practice. Washington, Gales & Seaton, 1822.

Kent, James. Commentaries on American law. New York, O. Halsted, 1826-30.

Kilty, John. Landholders' assistant and land office guide. Baltimore. Printed by G. Dobbin and Murphy, 1808.

Knapp, Samuel Lorenzo. Biographical sketches of eminent lawyers, statesmen and men of letters. Boston, Richardson and Lord, 1821.

Laussat, Anthony. An essay on equity in Pennsylvania. Philadelphia, Published for the institution (Law academy) by Robert Desilver. R. Wright, printer, 1826.

Littell, William. Principles of law and equity, recognized and established by the court of appeals of Kentucky. From the press of William Gerard, Frankfort, 1808.
Historical records survey. Kentucky. Item 322.

Livermore, Samuel. A treatise on the law, relative to principals, agents, factors, auctioneers, and brokers. Boston: Printed by Thomas B. Wait and Co., 1811.

———. A treatise on the law of principal and agent; and of sales by auction. Baltimore: Printed for the author, by Joseph Robinson, 1818.

———. Dissertations on the questions which arise from the contrariety of the positive laws of different states and nations. New Orleans, Printed by B. Levy, 1828.

Livingston, Edward. A system of penal law for the United States of America. Printed by order of the House of representatives. Washington, Printed by Gales & Seaton, 1828.

———. Code of procedure, for giving effect to the Penal code of the state of Louisiana. New Orleans. Printed by B. Levy, 1825.

———. Introductory report to the Code of prison discipline (Louisiana) Philadelphia, Carey, Lea & Carey, 1827.

Macomb, Alexander. A treatise on martial law, as practised in the U.S.A. Charleston, S.C., J. Hoff, 1809.

Marshall, Humphrey. A treatise on the writ of right. No imprint. It is presumed that it was printed in Kentucky (1817).
Historical records survey. Kentucky. Item 654.

Martin, Francois Xavier. A treatise on the powers and duties of executors and administrators. Newbern, Martin & Ogden, 1803.

———. Martin's Treatise on the powers and duties of executors and administrators, according to the law of North Carolina. Revised . . . by a gentleman of the profession. Raleigh, 1820.

Moulton, Joseph White. The chancery practice of the state of New York. New York, O. Halsted, 1829-32.

Newland, John. The practice of the High court of chancery. Albany: Published by L. F. Backus, no. 67, State Street. F. Adancourt, printer. 1818.

Newland, John. A treatise on contracts, within the jurisdiction of courts of equity. Philadelphia, W. P. Farrand and Co., 1808.

———. same. Philadelphia, B. Warner, 1821.

Newnan, John. A commentary on the Roman and Spanish Statute of Frauds and perjuries . . . Nashville, printed for the author. 1829.
Historical records survey. Tennessee. Item 189.

Oliver, Benjamin Lynde. Practical conveyancing, a selection of forms of general utility, with notes interspersed. 2d ed., cor. and enl. Hallowell, Me., Glazier & Co.; Boston, Hilliard, Gray, Little, & Wilkins (etc.) 1827.

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1800-1830

Albany, N. Y.
F. Adancourt
E. F. Backus
Backus & Whiting
W. Gould
Charles R. and George Webster
Webster & Skinner

Annapolis, Md.
F. Green
Jonas Green

Baltimore, Md.
Coale & Maxwell
G. Dobbin & Murphy
Fry and Kammerer
Nicklin, P. H. & Co.
Joseph Robinson

Boston, Mass.
Bradford & Read
James W. Burdill
Timothy Carter & Hendy
Cummings, Hilliard & Co.
John Eliot
C. Ewer
Freeman & Bolles
H. Gray
D. Mallory & Co.
Manning & Loring
Thomas & Andrews
Wells & Lilly
Thomas B. Wait & Co.
also in Portland

Brattleboro, Vt.
John Holbrook

Brookfield, Mass.
E. Merriam & Co.

Burlington, N. J.
David Allinson

Cambridge, Mass.
Cambridge university press

Charleston, S. C.
J. Hoff
A. E. Miller

Exeter, N. H.
G. Lamson

Frankfort, Ky.
W. Hunter

Hagerstown, Md.
J. D. Dietrick

Hallowell, Me.
Glazier & Co.

Harrisburgh, Pa.
John Wyeth

Hartford, Conn.
Oliver D. Cooke
Peter B. Gleason, Printer

Lexington, Ky.
T. T. Bradford

Middlebury, Vt.
Daniel Chipman

Nashville, Tenn.
Thomas G. Bradford

New Haven, Conn.
Oliver Steele

New Orleans, La.
B. Levy

New York City
Alsop, Brannan & Alsop
David Banks
G. & C. Carvill
Collins & Hannay
Isaac Collins & Son
E. Conrad
Gould, Banks & Gould
Stephen Gould
Gould and Van Winkle
O. Halstead
Hannay
G. Lamson & Collins
J. J. Murden, printer for D. Banks
I. Riley & Co.
Treadway & Bogert
Van Winkle
C. Wiley

Philadelphia, Pa.
W. Y. Birch & A. Small
Bronson & Chauncey
P. Byrne
Mathew Carey
R. Carr
Farrand & Nicholas
John Grigg
J. S. Littell
Hugh Maxwell
R. W. Pomeroy
Abraham Small
John Thompson
B. Warner
J. Webster

Portland, Me.
Thomas B. Wait & Co.

Portsmouth, N. H.
Thomas & Tappan

Raleigh, N. C.
J. Gales

Richmond, Va.
T. W. White
Peter Cottom

Salem, Mass.
Barnard Briam Macanulty
Cushing & Appleton

Washington, D. C.
Gales & Seaton
Way & Gideon

Winchester, Va.
S. H. Davis

Worcester, Mass.
Dorr & Howland

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MILITARY JUSTICE*

By the Honorable GEORGE W. LATIMER, Judge of the United States Court of Military Appeals

I shall commence my speech by quoting from a recent article appearing in the March issue of The JAG Journal of the United States Navy:

> In a quiet ceremony in Washington, D. C., on June 20, 1951, Judge Matthew J. McGuire, Associate Judge of the District Court for the District of Columbia administered the oath of office to the Honorable Robert E. Quinn, George W. Latimer, and Paul W. Brosman, the first judges of the United States Court of Military Appeals. This Court, created by Public Law 506, 81st Congress was officially constituted by presidential order on June 20, 1951, and met for its first session on the following day. Its creation marks one of the most salutary changes ever incorporated in military and naval law.

I hope to be able to show you how the salutary changes have been a distinct benefit to the military judicial system.

Our courts-martial system was originally adopted from the British, which for all practical purposes came into existence after the Ipswich Mutiny in 1689. Prior to that time, the Articles of War appear to have been specific military orders or directives issued to the Army when about to proceed upon an expedition; or, from time to time during war. The event which induced the first enactment of a statute was the mutiny and substantial desertion of a detachment of troops which adhered to the cause of the Stuarts. Refusing to obey the order of William III, they marched northward. The offenses thus committed were by the custom of war punishable with death; but, by the laws of the realm, this punishment could not be imposed within the kingdom by the executive power in time of peace. Parliament, therefore, availed itself of the occasion to assert its exclusive authority by enacting a statute providing generally that any officer or soldier who should incite, cause, or join in mutiny or desertion of the service should be punished with death, or as the court-martial might adjudge. It was from the time of this act that British military law began to assume statutory form.

The concept of the system at that time and for many years thereafter seems to have been that a court-martial was an agency for executing the disciplinary laws of the Army; that it was a rough-and-ready tribunal, and must necessarily remain so; that it was not a court at all, but was an agency of the military commander to investigate facts and recommend what disciplinary action should be taken; that it was the body responding purely to the exigencies of the military situa-

* Speech given before the Law Librarians' Society of Washington, D. C., March 20, 1952.

tion; and that it was not governed by principles of law at all, but rather was governed by the whims and desires of the commander who appointed the court.

On June 30, 1775, we adopted our first written code of military law. Without touching each of the legislative enactments which made slight modifications to the code, I shall point out the years in which the principal changes were made. The Continental Congress, on February 20, 1776, adopted a code which re-cast and was an enlargement with modifications of the first code. In 1786, some substantial amendments were made. These remained in effect until 1806, at which time Congress re-enacted the Articles of War because it was believed that the changes in the form of government up to that time rendered a complete revision of the code desirable. The Articles were again revised in 1874 and this was the last major revision until after World War I.

The vices prevalent during the first World War were the subject of extended congressional debate and in 1920 what was considered as an up-to-date code was enacted. This remained in effect through World War II, and after the end of that war Congress was again faced with criticism from civilians which resulted in the Uniform Code of Military Justice, adopted in 1950.

To illustrate the severity of the system that was governing in the early days and to suggest how the Articles of War and the Articles for the Government of the Navy have improved conditions over the years, I desire to mention some of the penalties that could be imposed by courts-martial in both the land and sea forces. I shall cite punishment for Navy offenses first and then deal with the Army penalties.

The first punitive articles prescribed by an English king to apply specifically to discipline on naval ships were issued in 1190. Some of those are sufficiently curious and interesting for me to mention to show the punishment of that day and to suggest the striking contrast with present-day concepts of penology. Four of these articles were these: (1) Anyone that should kill another on board ship should be tied to the dead body and thrown into the sea; (2) anyone that should kill another on land should be tied to the dead body and buried with it in the earth; (3) anyone lawfully convicted of drawing a knife or other weapon with intent to strike another or of striking another so as to draw blood should lose his hand; and (4) anyone lawfully convicted of theft should have his head shaved and boiling pitch poured upon it and feathers or down should then be strewn upon it for the distinguishment of the offender, and upon the first occasion he should be put ashore.

The Army seems to have been a bit more humane. In 1775, the Articles of War prescribing punishment prohibited a sentence from decreeing more than 39 lashes. The act of 1776, which was re-enacted in 1786, prohibited a sentence from imposing more than 100 lashes. The act of 1806 reduced the punishment so that not

more than 50 lashes could be ordered. In 1861, flogging was prohibited and in 1872 the Articles suggested the prevalence of other means of unusual punishment because in that year Congress prohibited branding, marking and tattooing.

The illustrations given argue strongly that some improvement had to be accomplished and as this country developed, military law improved.

I shall not take the time to fully develop many of the rights which have been granted to an accused over the years; but, I shall deal briefly with three which should be of interest to you. These are: The right to counsel, the right to appellate review, and the right to a fair trial unaffected by what is commonly described as command control.

The Right to Counsel

Prior to 1775, there was no reference to representation by counsel, neither was there any requirement that the accused be furnished with an advisor. In 1809, by general order, commanders of posts were required to furnish a suitable officer as counsel upon request by the accused. At that time this was a very limited right. Colonel Winthrop, an acknowledged authority on military law, stated that the admission of counsel was not a right but a privilege, which was never refused unless the person selected was a seriously objectionable individual. However, regardless of the presence of counsel, they were precluded from all oral communication. They were not permitted to address the court, examine witnesses, or even read the concluding argument. They were limited to expressing themselves either through the accused or in writing. In 1916, representation by counsel was established by Congress as a right of the accused. However, the act of that year provided that officers of The Judge Advocate General's department (those legally trained), were not available for appointment as counsel for the defense. In 1919 this apparent injustice was corrected as the law was amended so as to place counsel for the accused on the same plane as counsel for the government. Thus, for the first time a standard of qualification for defense counsel was established.

The present Code goes much further in granting a right which is not only valuable but which now requires some degree of competency on the part of counsel. Presently, a person who is appointed as counsel in case of a general court-martial must be a judge advocate of the Army or the Air Force, or a law specialist of the Navy or Coast Guard, who is a graduate of an accredited law school, or is a member of the bar of a Federal court or of the highest court of a State.

That the lack of competent counsel seriously prejudiced the rights of an accused may be established by presenting two early reported cases:

In one case where an accused was on trial for the capital offense of desertion, his counsel made the following statement: "In view of the fact that I have had no opportunity to investigate the charges against the pris-

oner, I would like for the court to let him go on the stand and make an unsworn statement in his behalf."

In another case accused was on trial for desertion. He was evidently of very low mental calibre. His counsel, a chaplain, instead of relying on the defense of mental incapacity, complacently informed the court that he did not believe in sending men before what he called "nut boards" (boards of psychiatry) because such mentally irresponsible soldiers "should either be emasculated or sent to Leavenworth."

While I say that Congress has now prescribed qualifications of counsel I do not intend to convey the impression that we have reached the ultimate in furnishing the accused adequate representation. Good trial lawyers are not made by congressional mandate. They reach acceptable standards only through hard work, practice, and experience. For that reason, I have cause to believe that unless the services give the present act their full cooperation and encourage the legal officers to perfect themselves in their profession, the Code will fail to accomplish fully the beneficient results hoped for by all. Until that time we will be faced with cases similar to some which have reached our Court, and which I now mention.

An eighteen-year-old soldier was convicted and sentenced to twenty-five years for desertion. The officer appointed to defend him waived the five days time permitted between service of charges and trial; he had no authorities to present; he made no effort to determine the qualifications of the members of the court for challenging purposes; he failed to ask a single question on cross-examination; he did not have the accused testify or make any statement of any kind; he did not offer a single fact in way of defense, explanation, or extenuation; he waived his right to argue the case; he proposed no instructions; and he agreed with everything said by the trial judge advocate. You can well realize why, with such counsel, it only required the court to adjourn for two minutes to return a finding of guilty. I can not indict the lawyer for I know not all of his problems, but my statement of the facts reasonably suggests that with a youth of that age, without any evidence of previous criminal convictions, either military or civilian, and with a background which included some combat, it seems impossible of belief that something beneficial to the boy could not have been shown, if for no other reason than to cut down the sentence.

The second recent case: A soldier was convicted of unpremeditated murder and given a life sentence. The evidence of the government pointed toward an accidental shooting of the deceased. The defendant had an excellent record as a civilian and soldier, without a former conviction of any kind. Yet, he was not placed on the stand to testify in his own behalf. An explanation by him was his only hope for an acquittal. The only man in the drama who could have reasonably convinced the jury of the accidental nature of the killing was left silent.

Can you imagine the reaction of a court member toward an accused who is defending on that theory and fails to come forward to champion it?

A young soldier was convicted of rape. Due to some language difficulties the government was unable to produce much in the way of incriminating evidence. The victim was asked to explain the circumstances and she merely testified that she had been raped. The government counsel attempted to have her give facts and not conclusions by asking what she meant by that expression. I suspect that she surprised everyone by testifying that she did not know. Thereupon, she was turned over to the defense attorney for purposes of cross-examination, and he really subjected her to a searching examination. Relentless is an understatement. But, by the time he had finished, the government had a perfect case. Every element of the offense was established beyond all reasonable doubt.

By mentioning these specific cases I do not intend to be critical of the individual lawyers involved. I only desire to point out that the success of the judicial system depends to a large extent upon proper representation at the trial level. Appellate courts can not correct errors flowing out of unprepared, ill-advised and careless representation, and members of the Armed Forces should not be subjected to that kind of service. For the most part, they must accept what is given to them, and they are entitled to honest, decent and careful guidance. Many of those charged with crimes are young boys who are not hardened criminals and a good lawyer might save them from reaching that level.

The Right to Appellate Review

Generally speaking, it can be said that prior to World War I the convening authority, the Secretary of a department, and the President had the duty to confirm sentences and thus were required to review the record of trial. However, there was no judicial or quasi-judicial body with authority to review the acts of the court-martial or convening authority until World War I. The declaration of war in 1917 had the effect of empowering commanding generals of territories, departments, and divisions to confirm and execute sentences involving the dismissal of officers below the grade of brigadier general and death sentences in cases of murder, rape, mutiny, desertion, and spying, without prior review of the records of trial. I believe it can be fairly said that concentrating such power in the hands of a commanding general worked great injustices in many cases, and there was no satisfactory method of preventing an arbitrary abuse of the power. Perhaps I can best illustrate this injustice by citing three well publicized cases:

About the middle of December, 1917, the public press denounced the execution of thirteen soldiers who were tried in Texas for mutiny and homicide. Proceeding under the 48th Article of War authorizing in time of war confirmation by the commanding general or a territory, department or division of sentences for death or mutiny, the reviewing authority confirmed the sentences and the accused

persons were executed within forty-eight hours after confirmation. There was no review of the records by the Judge Advocate General or by any other higher headquarters.

A second case was one which precipitated the arguments between Brigadier General S. T. Ansell, the Acting Judge Advocate General during World War I, and General Crowder, the Judge Advocate General. This case involved twelve or fifteen non-commissioned officers charged and convicted of mutiny. The non-commissioned officers were engaged in some mild form of gambling—perhaps the rolling of dice. This was in violation of the standing orders of the camp. A young officer commanding the battery placed the non-commissioned officers in arrest of quarters for their participation in this activity. The next morning the non-com's were not present at the early drill formation. The officer made inquiry as to why they were not performing their duties and was informed that, in accordance with War Department orders, they could not exercise their functions as non-commissioned officers while under arrest. The officer then ordered them to drill and they insisted that if they were to obey the order they should be released from arrest. The officer charged them with mutiny. They were convicted and the sentences imposed ran from three to seven years. The convening authority approved, the matter was referred to The Judge Advocate General of the Army and the dispute over his powers to review precipitated the argument. General Ansell contended that The Judge Advocate General's office had the right to review the proceedings and reverse the findings and sentence. General Crowder opposed the right, contending that the convening authority was the only one who had the right to modify or reverse the findings; that the Secretary of War and the President, as Commander-in-Chief, had the right to grant clemency; but, that court-martial jurisdiction was and always had been an attribute of command; that only the convening authority could set aside the findings and reverse the conviction; and that, right or wrong, his judgment was final.

In another case, the accused was a military policeman charged with burglary. His story was that he heard a sound of breaking glass near a window, that he investigated, saw a broken window, saw someone moving about inside, entered, and, while searching for the supposed intruders, was himself arrested by two other military policemen. The court believed his story and found him not guilty. The reviewing authority disagreed, returned the record with directions to the court to reconvene for revision of the sentence. The court on reconvention found the accused guilty and sentenced him to an imprisonment for five years. The Judge Advocate General, in his review, stated that the story of the accused had the ring of sincerity and that the evidence against him was wholly inconclusive. The commanding officer, notwithstanding the review, affirmed the sentence and designated the penitentiary as a place of confinement.

During World War I, the Army took some action to grant limited review. Boards of Review in the office of The Judge Advocate General of the Army were set up to review the more important cases. This was the beginning of an appellate review system as generally understood by civilians.

In 1920 Congress placed its stamp of approval on that plan by providing for the creation of boards of review in the office of The Judge Advocate General with the authority to review the most serious cases. These boards operated during World War II, with considerable success, and reviewed a great many cases. However, the right of the board to reverse a conviction was contingent upon the concurrence of The Judge Advocate General, and, in the event he did not concur, the case was forwarded to the Secretary of War for the action of the President.

The present Code does away with that procedure and grants boards of review wide powers in disposing of cases and permits them to affirm only such findings of guilty and sentence, or such part or amount of the sentence as they find correct in law and fact, and determine on the basis of the entire record should be approved.

Command Control

Since 1916 much of the bitterness engendered by military law and procedure came from the influence of command on the results of trials by courts-martial. After World War I, and again after World War II, there was tremendous public resentment against a system which permitted a commander to influence the acts of members of the courts-martial. The liberty of too many soldiers was vested in too few commanders. The public generally believed that the system practiced during those war years and the intervening time was unsuited to the American concept of liberty, and that shocking injustices had resulted from the influence exercised by commanding officers. I do not propose to take up the cudgel for either side of this argument, but I can assert that some remedial legislation had to be enacted to restore public confidence in the courts-martial system. I can perhaps point out how command influence might have been practiced under the old codes, and why legislation was needed.

The appointing officer could be the accuser. He appointed the members of the court. He appointed the prosecutor. If the accused demanded counsel, he selected the one to act. He reviewed the sentence and if he disagreed with the findings of the court and the severity of the sentence he had a means to compel the court to do as he chose. He, in a limited way, controlled and dominated the future success of the officers who composed the court and they were so informed. Even though he might not reduce an officer for flaunting his desires he could seriously affect the junior officer's opportunities for advancement by the simple expedient of writing a letter of reprimand or censure, or rendering an unsatisfactory efficiency rating. Moreover, if the finding or sentence was not to his entire satisfaction he could require the court to

reconsider until a verdict in accordance with his ideas was reached.

To give you a fair idea of how this power was abused, I call your attention to three specific cases:

Case No. 110526: The accused was charged with murder. The court found him guilty of manslaughter and sentenced him to ten years' confinement. The reviewing authority sent the case back with a sharp indorsement to the effect that accused should have been found guilty of murder. On reconvention the court so found, and sentenced him to life imprisonment. The special clemency board found the first action of the court proper and reduced the sentence to eight years.

Case No. 116691: The accused was found guilty of absence without leave and sentenced to confinement for one year and forfeiture of two-thirds of his pay for a like period. The reviewing authority sent the case back for revision with an improper statement as to the effect of the evidence. The court reconvened, found the accused guilty of desertion and sentenced him to ten years' confinement and dishonorable discharge.

Case No. 121081: Accused was charged with escape and desertion. He was found guilty of escape and not guilty of desertion and sentenced to two years' imprisonment. The reviewing authority sent the case back with an argument in favor of a finding of guilty of desertion. The court reconvened, found accused guilty of desertion, and sentenced him to twenty years' confinement.

In finishing my short discussion on command control, let me ask you to evaluate the fairness of this commanding officer: During World War I, a case occurred in which some twenty-odd men were to be tried jointly for a serious sex offense. Counsel was notified by the commanding officer on Saturday afternoon at three o'clock over the telephone that he was to perform the duties of counsel for all these men. The court convened at noon on Sunday and proceeded with the trial of the cases. At the convention of the court, for the first time, counsel was advised of and furnished with copies of the charges. Counsel moved for a continuance in order that he might prepare the defense. It was not granted, on the ground that the division was needed in France, that it soon had to go, and it would be very embarrassing, administratively, to have any delay in the case. The commanding general had communicated his desire to the court that it should proceed forthwith to a trial and conclusion of the case. As the first session of the trial lasted well after midnight on Sunday night, counsel had no opportunity to reasonably prepare any defense.

Having generally pointed out some of the defects existing under the old Articles of War, and Articles for the Government of the Navy, I shall use the balance of my time to present the new act for your consideration.

After extensive hearings, the Uniform Code of Military Justice was passed on June 5, 1950, and became effective on May 31, 1951. I believe that there was more controversy over the section of the code which created the court than was brought about by

any other proposed reform. The military, generally, sponsored a reviewing court composed of military personnel, and the civilians supported a contrary plan. Those in favor of a civilian court argued that in order to grant members of the Armed Forces substantially the same rights as a civilian, to remove command influence or persuasion, and, to prevent the same kind of criticism that had been directed to previous military enactments the court should be manned by personnel divorced from the military. Those opposing argued that civilians would not properly appreciate the problems confronting commanders in the field; that a military background was a necessity; and that time would not permit a civilian court to give adequate consideration to cases. Congress resolved these disputes by creating a civilian court of three judges.

The President appointed the three present members, and here is a thumb-nail sketch of their military and legal experience.

Judge Robert E. Quinn, the Chief Judge of the Court, is a former Governor of Rhode Island. At the time of his appointment he was serving as a judge of the Superior Court of that State. He is a native of Providence, and a graduate of Brown University and Harvard Law School. He has practiced law in his home state since the middle 20's. He is a captain in the Naval Reserve, and during World War II he served as legal officer of the First Naval District.

Judge Paul W. Brosman received an A.B. degree from Indiana University in 1926, an LL.B. degree from the University of Illinois in 1924, and a J.S.D. from Yale University in 1929. For the most part, since his college days, he has been a professor of law on the faculties of various universities. In 1928, he was appointed Dean of the Law School at Tulane University. He saw service in both World War I and II, and at the time of his appointment he was a colonel in the United States Air Force Reserve.

As for myself, I am a native of Utah, and received my law degree from the University of Utah. I practiced law in Salt Lake City from 1925 to 1940, at which time I entered the service and served as division chief of staff of the 40th Infantry Division. In November, 1946, after my return from the service, I was elected to the Supreme Court of the State of Utah, and served upon that Court until appointed to my present position by President Truman last year. I hold the rank of colonel in the Utah National Guard.

The practice and procedure prescribed by the present code and rules of the Court are strikingly similar to those prescribed by the civilian courts. The drafters of the 1950 Act and Manual attempted, in so far as consistent with the requirements of the service, to adopt the civilian practice. It might be interesting for me to course a cause through the courts-martial system and point out the similarities.

First of all, the accused is entitled to a pre-trial investigation. He must be advised as to the charges against him, and as to his right to have counsel present during the preliminary

stages. He is to be informed of the following rights: That he need not make a statement regarding the offense; that he need not make any statement which tends to incriminate him; that any statement he makes may be used against him; and that he need not answer immaterial or degrading questions. Here, the new military procedure has adopted many of the rights which are present in Federal and State constitutions and statutes, and the investigation in the military can be compared to the preliminary hearing in civilian procedure.

Secondly, if the investigation indicates that an offense has been committed, the charges are referred to a staff judge advocate, for his advice and consideration. Thereafter, if the convening authority concludes that the charge alleges an offense, and is warranted by the evidence indicated in the report, he may refer the matter to a general court-martial. This procedure is similar to that common in civilian practice of submitting the facts to a county attorney for his opinion as to whether criminal action is justified.

Assuming a not guilty plea is entered, the cause is then tried and the accused must be represented by counsel. In civilian cases, the State must appoint counsel to defend those who are unable to supply or provide for their own counsel.

The accused in a military court-martial has certain safeguards thrown around him during trial, which are again similar to those which protect defendants in civilian trials. He is entitled to challenge any member for cause and one peremptorily. He can not be convicted of an offense which carries a mandatory death sentence, except by the concurrence of all members of the court; and in other cases, two-thirds of the members must agree before a finding of guilty can be reached. In connection with a sentence, he can not be sentenced to death, except by the concurrence of all members. Sentences of ten years or more require concurrence of three-fourths of the members, while those involving less than ten years require two-thirds concurrence of the members. The findings of the court must be approved by the reviewing authority, who has the power to approve only such findings of guilty and sentence as he finds correct in law and fact, and as he in his discretion determines should be approved.

The appellate procedure likewise contains many of the elements found in civilian practice. In the military, the entire record, after approval by the reviewing authority, is forwarded to The Judge Advocate General of the appropriate service, who is required to organize boards of review which must be composed of not less than three officers or civilians, who are required to be members of the bar of a Federal court or the highest court of a State. The Judge Advocate General must refer to a board of review every case involving a sentence which, as approved, affects a general or flag officer or extends to death, dismissal of an officer, cadet, midshipman, dishonorable or bad conduct discharge, or confinement for one year or more.

Thus, the accused is afforded an intermediate review by a board composed of legally trained personnel. The board of review has authority to weigh the evidence, judge the credibility of witnesses, determine controverted questions of fact, and affirm only such findings of fact and the sentence, or such part thereof, as it finds correct in law and fact. This is the civilian intermediate court of appeals.

The next, and final, step in the appellate procedure is an appeal to the United States Court of Military Appeals, which in the military structure occupies a position comparable to that of the United States Supreme Court in the Federal system and the Supreme Court of a state in those cases involving state laws. Under the statute and rules governing the procedure in the United States Court of Military Appeals, the accused must file a petition in which he alleges what he believes to be substantial error. A short brief and memorandum of authorities is to accompany this petition. The entire record is forwarded to the Court, and each judge reviews the record to determine whether or not any good cause has been shown for granting a review. If we are satisfied that no error has been committed, we may deny the petition, which action is similar to denial of certiorari by the United States Supreme Court. If we feel that there is any error in the case affecting the accused's substantial rights, we grant the petition and the points in issue are subsequently argued before us on their merits.

In addition to the cases which come to us on petition by the accused, we must review all cases involving the sentence of death or one which affects a general or flag officer. Also, all cases in which questions are certified to us by The Judge Advocates General of the services must be reviewed by the court.

One distinction between the military and civilian systems should be pointed out. In the military system the accused can take advantage of the procedure I have outlined without cost to himself. The government must furnish counsel if desired before the investigating officer. It must furnish counsel before the court-martial and the board of review. In addition, at the request of the accused, it must furnish him appellate counsel for presenting the matter to our Court. Accused has the right to employ civilian counsel, and this is the only time when he is required to expend any money in his own behalf. All other services are free, and there is no reason why any accused, if he believes he has been unjustly convicted, should not have an opportunity to present his cause to our Court. The procedure provided for by the Manual for Courts-Martial, United States, 1951, provides that the accused must be notified of his right to appeal and copies of this notice, after being signed by him, are filed for record in our office. No longer should anyone in the Armed Services or their relatives complain that they have not been informed of and afforded a reasonable and adequate mode of review, equal to or better than that afforded to civilians.

Now a word about our work load: On December 31, 1951, there were 3,465,000 men and women in the Armed Force. At least this many individuals are subject to the Uniform Code of Military Justice. Furthermore, quite a few of the 1,278,000 civilian employees might be affected by its provisions. As of March 15, 1952, there had been 526 cases docketed in the Court. Of this number 300 were reviewed by members of the Court and denied. Of the remaining 226, 63 are awaiting action on the petition for review and 47 have been disposed of by written opinion. The others are in the process of awaiting final action by one or more of the judges, awaiting briefs, or are presently set for hearing.

The purpose of the court is to help build a better military judicial system and at the same time not interfere with the continued improvement of the Armed Forces. I do not believe the Code to be a panacea which will eliminate all of the vices inherent in military command, but it is the best legislation which has been enacted by any country up to this date. If the members of the Court properly appreciate the functions of an appellate tribunal and lead the services in the proper administration of justice, I am certain the American public will be well satisfied with the present military judicial system.

IT STARTED WITH A BRICK!

DILLARD S. GARDNER

A large part of man's knowledge is traceable to his curiosity about the beginning of things. It has ever been said that one is not intellectually mature unless he has an inquiring mind. How many of us, as law librarians, have ever paused in our routine duties to ask, "How did it all begin?" Perhaps, even if we can find a partial answer to the question, it will have no dollar-and-cents value; but who among us is willing to confess that the most satisfying knowledge he possesses is that which can be "sold" over the counter? After all, there is more than a modicum of truth in the adage, "Knowledge makes a man fit company for himself."

The development of writing, of course, preceded written law. Exactly when the first laws were written may never be known, but there is reason to believe that the beginning of a legal idea – property – influenced the beginning of writing. The earliest forms of writing that have come to light are the clay cylinder seals of ancient Sumer, in the southern portion of the Tigris-Euphrates valley to the north of the Persian Gulf. They were used as personal marks, to identify ownership generally and to designate the giver when sacrifices were made to the gods. First came picture-writing, then cuneiform, the wedge-shaped, stylus-writing on clay tablets.

Probably the oldest fragment of law known is such a tablet now located at Yale, about one and one-half foot square, from ancient Sumerian Erech; it is a part of a law code and deals with the law covering the emancipation of a son (of the Prodigal Son story). This tablet was formerly thought to date from about 2400 B. C., but scholars now date it from the Third Dynasty of Ur (the city from which Abraham migrated) roughly 2200 B. C. Recently, extended portions of the law codes of old city-states in the same Mesopotamian area have been discovered; they are two or three centuries later than the fragment above, but belong to the same Sumero-Akkadian legal tradition, the oldest known to man. One of these codes came from Akkadian Eshnunna, the other from Sumerian Isin; they are sometimes identified as the codes of the kings who issued them, the first being Bilalama and the latter king, Lipit-Ishtar. The Eshnunna code is roughly a century older than that of Isin and is the oldest law code known. Accordingly, the oldest law code is about four thousand years old. A little later both Isin and Eshnunna were parts of Hammurabi's Babylonian empire, and these laws (which we have only in fragmentary form) were drawn upon in the writing of Hammurabi's Code, which, until a few years ago, was often described as the "oldest legal code." It is still the oldest *complete* code; some of the sections had been removed from the original stone column (black diorite) found at Susa, but these have now been filled in from other copies which have been found. Even Hammurabi's code is not complete in the sense of the inclusion of all legal subjects; it is complete only in the sense that we have this code in the same form that it was known to the Babylonians. Hammurabi's code may be dated approximately 1800 B. C. The Akkadians and other Semetic people were included in the Babylonian empire; Abraham, the father of the Hebrews, also a Semetic group, came from this same area about the time of the earlier Sumero-Akkadian laws mentioned above. This same legal tradition is definitely reflected in the Mosiac legal materials which came centuries after Abraham and Hammurabi. The laws of Moses in Exodus, Leviticus and Deuteronomy were not all written by Moses; possibly only a few of the oldest of them reach back to the Mosaic period (1200 to 1400 B. C.). We recall from the Ten Commandment story that he too wrote upon "tablets of stone." It seems probable that Moses drew upon the Canaanite laws, particularly for the civil legislation, but no Canaanite or Egyptian code of laws has yet been found. Two other fragmentary codes, the Middle-Assyrian and the Hittite, dating approximately from the Mosaic period, have also been found, but it is highly improbable that either of them directly influenced Moses in his legal compilation. It is quite possible, however, that the Hebrew editors, who modified, rewrote and altered the Mosaic laws many times during the eight centuries after Moses, may have been influenced by these laws of neighboring people. These Assyrian and Hittite laws, too,

have come down to us on clay tablets.

Since the earliest laws were on baked clay tablets (and stone), our earliest professional ancestors must have been "glorified brickmasons." Early library maintenance must have been equally complicated outside of the Near East. The earliest Chinese code, Chow Li, is a little later than Moses—about 1100 B. C. Bamboo wood and stone were the writing surfaces most used by the ancient Chinese. Bamboo, palm-leaves, and birchbark were used for the early Hindu law books. Imagine a judge finding himself overruled by a palm-leaf fan! But, perhaps that is no worse than being reversed by a brick! The Greek statutes of the city of Gortyna (about 400 B. C.) were chiseled on a long slab of stone, and the Roman Twelve Tables of the same period were probably publicly displayed on bronze plates. Most of the other early legal codes, including the Japanese Taikwa of Emperor Kotoku, belong more appropriately to the medieval, rather than the ancient, world.

So much for the oldest law-books; but what about the oldest libraries? As in the case of the books, older ones may yet be found, but we can only speak of those known to us. Again we return to the Near East, the cradle of civilization, to the Babylonian-Assyrian area, the northern Tigris-Euphrates valley. The earliest known library was that of King Assurbanipal of Assyria, who lived in the seventh century before Christ, in the period following Saul-David-Solomon in the Old Testament. Dr. Clarence Keiser places the number of volumes in this library at 22,000 clay tablets and states that Assurbanipal's "great contribution to civilization was the building of his famous library." John Adams Lowe calls it a library of "ten thousand volumes . . . methodically arranged and classified." No doubt, K classification under an ancient guise! It was a general library—law, history, mathematics, astronomy, etc. — with materials dating back to 2000 B. C. Sidney Smith, of the British Museum, suggests that Assurbanipal's was the first library arranged on a systematic principle, but that the collection of the tablets was begun in the reign of Sargon of Semetic Akkad (about 2500 B. C.). He says that the tablets were arranged on shelves, works with several tablets having index lists of first lines and catch-lines of the numbered sections amounting to a reference index. Straw tabs hanging from the shelf gave the title of each work. As there was apparently a library at the temple and another at Ashur, in addition to the royal palace library, there is evidence of a library system which had slowly developed. Assurbanipal, after capturing Babylon, ruled in a period of rich decadence; as a patron of the arts, he welcomed learned men from all countries; literary works were collected from all known sources; and the library at Ninevah was greatly augmented. Dr. Ira M. Price has pointed out that Assyrians were Semites like the Hebrews, their language was almost identical with Babylonian, and that both Assyrian and Babylonian were derived from the ancient Sumerian language and were written, like it, in cuneiform. Hebrew later developed,

through Phoenician, from this same Assyrian-Babylonian language. Thus, this library at Ninevah preserved the ancient legal tradition which flowed from ancient Sumer around the Fertile Crescent and down to Palestine and the Mosaic laws of our Old Testament. In fact, the final editing of the Old Testament legal materials was not completed until some time after the Hebrew scribes, during the captivity in Babylon, had access to this great library at Ninevah.

The most important libraries of the ancient world were the twin-libraries of Alexandria in Egypt, founded by Ptolemy I (about 300 B. C.). They were supposed to have contained between six and seven hundred thousand volumes, all carefully arranged and catalogued. Most of these were destroyed by Julius Caesar when he burned part of the city, and Mark Antony later gave Cleopatra—among other things—the fine library of Pergamum (Asia Minor), some two hundred thousand volumes, to help replace the loss. Rome began to develop libraries just before the Christian era; in the fourth century there were some thirty libraries at Rome. In the fourth century Constantine set up a six thousand volume library in Constantinople, which later grew to a hundred thousand volumes.

The ancient librarians were priests, attendants at the shrine of knowledge and wisdom, preservators of all that man had learned or thought he had learned of man, of nature, and of the God of man and nature. They systematized the ancient learning so that it could be brought to bear upon the problems of their time. We are their legatees and successors. Without us men would face the problems of today with only their own limited facilities. Through our intercession, all of the wise men since the dawn of history are brought to the council tables. Unobtrusively, we serve — but we live daily with the immortals!

WHO'S WHO IN LAW LIBRARIES

Gilson G. Glasier

Gilson G. Glasier is a hearty product of Wisconsin; a member of a large family, he was reared on one of its farms and attended its public schools and the University of Wisconsin.

Getting an education was not an easy matter for him. He first learned typewriting, became a stenographer and typist for an insurance company and later acted as secretary for Justice Marshall of the Wisconsin Supreme Court while he studied law at the University of Wisconsin, from which he graduated in 1900. He continued his secretarial job until 1904 when he entered upon the practice of law. His sturdy qualities had made an impression on the Justices of the Wisconsin Court and he was asked and accepted the librarianship of the State Library in 1906. Under his supervision there was installed early in his career a card

index and catalogue system which has been followed substantially ever since.

Mr. Glasier is the last surviving charter member of the American Association of Law Libraries which was formed in the first year of his librarianship. He has been one of the most active and useful members of that organization from the beginning, holding the most important offices and having much to do with putting the *Index to Legal Periodicals* on its present useful and satisfactory basis. His long and honorable record was set forth in a paper read before the Association at its meeting in Seattle in 1950 and recorded in 43 Law Library Journal 147-56. He has also been interested in the problems of the state libraries and in 1917-18 was President of the National Association of State Libraries.

In addition to his library duties, Mr. Glasier found time to edit part of the Wisconsin Digest and did such a good job that he was invited by Callaghan & Company to take a place on its editorial staff. This offer he declined because of his reluctance to move from Madison to Chicago.

He also helped to complete the autobiography of his former employer and mentor, Justice Marshall; and from 1920 to 1948 was Secretary and Treasurer of the Wisconsin State Bar Association. The record of his services to the Association is written in the bound volumes of the *Proceedings* of the Association and the volumes of the *Bulletin* which Mr. Glasier began in 1927 and continued through twenty-two volumes to the end of his term.

Although he has worked hard, there have been many compensations and he has had his periods of leisure. Early in life he married and has had for more than half a century a valuable help-mate and companion in his wife. He has three sons of whom he is immensely proud. He has found time to play golf, enjoy good music and literature, fish in the fertile streams of Wisconsin and elsewhere, and roam the fields with gun and dog.

This young fellow, who has led such a well-rounded life, is still active in the affairs of our Association and still carries on his library work. Each year he attends the convention, mingles with its members and is glad to undertake any duty that he may be asked to do. He is modest, self-effacing and has throughout its existence been a tower of strength to the American Association of Law Libraries. He is one of those wonderful fellows who quietly affects the lives of those about him without being aware that he is doing it, winning less commendation than he deserves, expecting none, always sharing with his fellow members the kindness and generosity of his life.

LAURIE H. RIGGS,
Baltimore Bar Library

MEMORIAL

Mrs. Marcia McDonald Fenelon

Mrs. Marcia McDonald Fenelon, librarian of the Southern University School of Law, Baton Rouge, Louisiana, met a tragic untimely death on August 10, 1951 in a train wreck at Lettsworth, Louisiana. She is survived by her husband Robert Fenelon, a three year old daughter, Fay Lynn Fenelon and Dr. & Mrs. Andrew E. McDonald, her father and mother.

She served as instructor for two years at Spaulding Business College of Baton Rouge and served for fifteen months as librarian of the Southern University School of Law.

Mrs. Fenelon possessed a rare combination of qualities. She was not only a scholar but was possessed of keen understanding.

With all of her learning she remained a modest, friendly, gregarious person with a good sense of balance and a lively sense of humor.

She will be missed by her many friends and associates.

A. A. LENOIR
Dean, School of Law
Southern University
Baton Rouge, Louisiana

BOOK REVIEWS

Ohio Unreported Decisions—Prior to 1823, Edited with Historical Commentary by Ervin H. Pollack. Indianapolis: The Allen Smith Company, 1952. pp. xii, 286.

This small volume of early decisions of state and federal courts sitting in Ohio is important not only in itself but as a telling reminder that American law had its energetic infancy. There are some signs—still, unfortunately too few—that historians and lawyers are discovering that the history of American law is a legitimate subject for serious scholarship, and that comprehension of our institutional inheritance will approach completeness only when we see that the law, in all its aspects, is a central element in that inheritance. Each of us could learn this lesson for himself if he would make it his business from time to time to read the early reports, not for the sake of discovering particular decisions relevant to current litigation but for the broader purpose of understanding the shape of law in the days when its structure was in process of development. Habit, however, has not encouraged this kind of reading. One of the ways in which it may be stimulated, is by running through this small volume of decisions which would have remained inaccessible had it not been for the intelligent energy of Mr. Pollack. Though the cases have no unusual importance they are full of the quality which characterizes American law on the frontier.

Perhaps it does the volume less than

justice to suggest that the opinions uncovered by Mr. Pollack do not possess extraordinary significance. One group of materials does throw fresh light upon a famous controversy—that which ultimately reached the Supreme Court of the United States as *Osborn* v. *Bank of the United States*.[1] Not only does Mr. Pollack publish the opinion of Judge Thompson of the Court of Common Pleas for Ross County denying Osborn's petition for release on habeas corpus from Federal detention[2] and the opinion of Mr. Justice Todd, on Circuit,[3] which was affirmed by the Supreme Court in the *Osborn* case, but he includes with those decisions important newspaper comments on the constitutional issues involved in the litigation. The most important of these non-judicial discussions of the matter is the forceful criticism of Justice Todd's decision by Charles Hammond, Osborn's attorney.[4] The issues of logic and of policy which are involved in the proposition accepted by Todd and later ratified by the Supreme Court, that the State's sovereign immunity is not violated when its officer is enjoined from enforcing the State's law, are argued with energetic, if somewhat resentful intelligence by Hammond. His protest, and the decision of Justice Todd should have been published long ago. Our generation should be grateful to Mr. Pollack for having unearthed them and made them readily available.

Other issues of constitutional and public law are further clarified by a number of the opinions in the volume. Of special interest are the opinions of Huntington and Tod, JJ. in *Rutherford* v. *M'Faddon*,[5] in which they determined that the Act of the Ohio legislature of 1805 extending the jurisdiction of justices of the peace was an unconstitutional deprivation of the right to trial by jury. The presuppositions of their opinions would seem to this age almost unbelievably doctrinaire and however fortunate it may be that the impeachment proceedings which followed the decision failed, one must, after reading the opinions, have some sympathy for the legislative effort to condemn judicial arrogance. Historians of the Supreme Court of the United States will be glad to find the opinion which Mr. Justice McLean, then of the Supreme Court of Ohio, delivered in *State* v. *Carneal* in 1817[6] and which brought to issue problems concerning slavery analogous to those which McLean later wrote in his dissent in the *Dred Scott* case.

Mr. Pollack's editorial comment on the cases and other materials which he includes in the volume is generally satisfactory and gives the reader that amount of guidance which is helpful for comprehension of the decisions. There are only one or two small matters in which it does not seem to this reader that he has gone far enough in providing aid. In dealing with the repeal of Ohio's reception statute in 1806 he does not make any reference to the most helpful article which has

1. 9 Wheat. 783 (1824).
2. Ex parte Harper and Orr, p. 19 (1819).
3. *The President, etc. of The Bank of the United States* v. *Osborn and Harper*, p. 36 (1820).
4. p. 46.
5. p. 71.
6. p. 133. See, Wisenburger, *The Life of John McLean* (1937) 26.

been written in explanation of the reasons for repeal.[7] In dealing with the broader aspects of that problem he does not, furthermore, call the reader's attention to the interesting suggestion, found in a number of the Ohio cases, that by 1806 Ohio had her own common law and that it was therefore inappropriate to continue in force any statutes referring to the common law of England.[8] Though that argument may have been manufactured as a means of retaining judicial power to discover law outside the covers of the statute books it marked a significant pride in American independence.

These small criticisms do not, however, detract from one's gratitude to Mr. Pollack for having made a valuable addition to the pathetically small shelf of early American reports.

MARK DEWOLFE HOWE
Harvard University Law School

Hebrew Criminal Law and Procedure, by Hyman E. Goldin. New York: Twayne Publishers, Inc., 1952. Pp. 308. Index. $4.75.

As a New York lawyer, a rabbi and an author of many books, Dr. Goldin's qualifications are strikingly impressive. It is not surprising that he has written an interesting, informative, and useful book. He sought merely to throw light on ancient, Jewish social life and to correct some generally held misconceptions of Jewish law. The book does more than this. Librarians will find that the topical chapters and the adequate index lead the searcher quickly to the appropriate subject, and that the thorough, foot-note documentation ties this commentary-summary to the source materials in the Old Testament and the Talmud. Following the introduction, the first part of the book deals with capital crimes and the four methods of execution — stoning, burning, decapitation and strangulation — then with the lesser crimes and punishments, such as banishment and whipping. The remainder of the book surveys the two main Talmudic tracts dealing with crimes—Mishnah Sanhedrin and Mishnah Makkot—revealing the body of rabbinic, legal opinion as it developed prior to the fourth century. Accordingly, if the dates of the sources are checked closely, this volume can be used as a reference covering the Jewish law in the time of Christ, and when so used it reveals many discrepancies in the traditionally accepted Christian versions of the trial of Christ. Dr. Goldin wisely remains aloof from opinions which might produce controversy, either with Christian scholars or Jewish scholars of the three major schools of thought. He has dealt with his material objectively, nowhere directly injecting his own opinion; the reader is enabled to verify the material summarized, if he cares to do so. This increases the value of the book, and is one of the particulars in which the book represents a marked improvement upon many older works on Hebrew law by Jewish authors.

Although accurate in scholarship, it is elementary enough to serve as a highly readable introduction to the

7. Utter, "Ohio and the English Common Law," 16 *Miss. Val. Hist. Rev.* 321 (1929).

8. See, e.g., *Kerwhacker* v. *Railroad,* 3 Oh. St. 172, 178 (1854).

voluminous and complex subject of Hebrew law. It is not too inaccurate to think of Hebrew law as made up from statutes and cases, the "statutes" being the Mosaic material (Genesis to Deuteronomy) in the Old Testament and the "cases" being the interpretations of the rabbis in particular cases. The *Mishnah* contains the "case" material of the pre-Christian era, practically all of what we would call criminal law being covered in two treatises, *Sanhedrin* and *Makkot,* of the *Mishnah.* The *Talmud* contains this "oral" teaching prior to the sixth century, the *Mishnah* being the oldest portion of it. Dr. Goldin here draws upon the Old Testament and the *Mishnah* for his sources. The laws are classified according to punishment, *Sanhedrin* covering those which might roughly be called "felonies" and Makkot those designated "misdemeanors." Of course, the terms "statutes," "cases," "felonies" and "misdemeanors" are used only as crude analogies, since they are, to us, familiar law terms; actually, the Hebrews did not have a separate division of the law called "criminal law" nor was religious and civil law separated. As Dr. Goldin makes clear, some punishments, such as capital offenses, were set forth rather fully in the Old Testament, but others, as, for example, imprisonment, were developed largely by the rabbis.

One comparative reference may serve to show prospective readers the kind of material presented: A real distinction existed between major and minor offenses. A capital crime was tried by a court of twenty-three, minor and civil matters by a court of three. Serious offenses were tried by a court entirely composed of judges, but the courts of three might be all laymen. Major offenses were punished by capital or bodily punishment, but lesser crimes resulted only in punitive fines. As one would expect, the Talmudic tradition gave flexibility to the law and enabled it to grow along lines which were increasingly more humane. Hebrew law was composed of almost as many ethical commands as legal prohibitions, but only the latter were enforced completely in the courts. This gave to Hebrew law a strong moral and ethical overtone lacking in purely secular legal systems such as our own. Some of our more profound legal scholars, aware of the minimal ideal content in our law, are turning once more to the Old Testament material. They will find in Dr. Goldin's text a stimulating and rewarding manual unlocking much of the legal material of the Pentateuch. Librarians who have relied upon the concordance in our Bibles to locate wanted legal references will welcome this book as a time-saving reference tool. The work does not purport to cover a critical evaluation of the sources, nor a historical appraisal of the origin of Hebrew legal concepts. Within the limited scope of a concise, documented summary of ancient Hebrew law, it has accomplished a real service, and is recommended for those seeking such a book.

DILLARD S. GARDNER, Librarian
Supreme Court Library
Raleigh, North Carolina

Finnish Association of Jurists (Suomalainen Lakimiesyhdistys — Association Finnoise des Juristes) *Suomen Lainopillinen Kirjallisuus 1809-1948. Bibliographica Iuridica Fennica* (Legal Literature of Finland, 1809-1948) Helsinki, Suomalainen Lakimiesyhdistys, 1951. XXXV, 1047p. FinMK. 4.730.— (Guilders 105.—)

The Finnish legal bibliography published in 1951 by the Finnish Association of Jurists (Suomen Lainopillinen), which was briefly noted on page 22 of this volume of the Law Library Journal, is one of the greatest compilations of legal literature published since the end of the war. It comprises, with certain specified exceptions, the entire legal literature of Finland during the period from 1809-1948, the non-Finnish legal literature concerning Finland and publications by Finnish authors abroad. Periodical articles, except for special reprints, are not included nor are manuscripts and certain public documents. The documents of the Finnish Parliament originally scheduled for inclusion proved to be too voluminous and the Parliament is preparing their separate publication.

In 1809 Finland, which for centuries had been a part of the Swedish empire, was ceded to Russia. She received the status of a semi-independent grandduchy with a free constitution and fundamental laws. After more than one hundred years of Russian domination, which were characterized by repeated attempts of Russification and suppression, Finland became an independent Republic in 1919, following the end of World War I. The present bibliography thus covers the legal literature of what could be called the entire period of Finnish modern history. It is the first Finnish legal bibliography of such dimensions. Previous to it a catalog of Finnish legal literature for the years 1809-1878 was published by Mechelin and von Pfaler (Helsinki, 1879) but it was far from complete. The present bibliography was prepared under the chief direction of Professor V. Merikoski, Dean of the Faculty of Law at the University of Helsinki, by Dr. Veikko Reinikainen. It was begun in 1938 on the occasion of the fortieth anniversary of the Finnish Association of Jurists but its preparation was interrupted by the war and work resumed in 1946. Financially the publication of this splendid volume was made possible through the assistance of a government sponsored national lottery and the help of various cultural funds, commercial and coöperative associations, banks, industrial organizations, publishers and certain Swedish institutions — a brilliant example of what national cooperation can achieve in a country as small and as weakened by wars as Finland.

The work comprises twenty-six sections, dealing in the first twelve with the general aspects of law, its preparation, codes, court decisions, periodicals and "Festschriften," legal philosophy and Roman law, and covering in the later sections the various branches of law including ecclesiastical, international and international private law. Altogether about 20,000 titles are listed followed by detailed indexes which are divided into sections arranged by authors, anonymous publications, reports of commissions,

texts of laws, publications of the Codification Section of the Minister of Justice and debates of the Finnish Bar Association. Supplementary bibliographies are scheduled to be published every five or ten years thus keeping this bibliography up to date.

It is noteworthy that the preface, the introductory matter advising on the use of the bibliography, and all section headings are simultaneously given in the Finnish, French, and Swedish languages which adds to the value of the work.

KURT SCHWERIN
Elbert H. Gary Library
Northwestern University

CURRENT COMMENTS

Miss Thornton Receives Recognition

Miss Ella May Thornton has been honored by two outstanding tributes during the past few months. On January 26, through an organized popular movement, she was named Atlanta's Woman of the Year in the Professions. The title which was presented at a large banquet, is a highly valued award. Another equally valued honor is the dedication to Miss Thornton of *White Columns in Georgia* which was published by Rinehart and Co., Inc. in May. *White Columns,* a complement, although not a sequel of *Gone With the Wind,* gives the pattern of culture in Georgia from the Spanish days of the sixteenth century to the beginning of the Civil War. Its preparation drew heavily upon the collection of Georgiana in the State Library of which Miss Thornton is librarian.

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Progress Report on Activities of the Joint Committee on Library Education

The Joint Committee on Library Education of the Council of National Library Associations and its Subcommittee on Education for Special Librarianship met in the Harper Library of the University of Chicago, separately and together April 11, 12, 1952.

A most interesting discussion resulted from the Reports submitted by Mr. Edward N. Waters, Chairman of the Subcommittee. These Reports prepared by librarians in the fields indicated dealt with the needs for adequate education for librarians in seven subject disciplines, and the curricula for training required in each case. The subjects surveyed were law, journalism, music, science and technology, business, medicine, and the theater. Mr. Waters also presented interesting letters from various groups and individuals to whom the Reports had been sent for comment and criticism. It was decided to synthesize these comments and to solicit more before making final recommendations. A survey of the library positions available in each subject field, will also be undertaken at once, and a progress report on this phase of the work is to be made at the next meeting, October, 1952.

Upon the invitation of the Board of Education for Librarianship, the Joint Committee heartily agreed to coöperate with it in a sample testing

of the Standards for Accreditation adopted by the American Library Association Council in July, 1951, and the Statement of Interpretation as it has been developed since that time, in the experimental application of these Standards to certain selected library schools.

Following a study of numerous comments sent to Dr. Maurice Tauber, Chairman of the Subcommittee which considered the Kavanaugh and Westcott Report, "A National examination as a basis for library certification; a survey of opinion," *Library Quarterly* 21:198-205, July, 1951, the Joint Committee on Library Education, went on record as being opposed to a national examination as a requirement for entering the library profession, but agreed that work should be continued toward improving the standards and increasing the uniformity of examinations already being given at the State level, for civil service examinations, or any other library examinations.

The Committee will also study the problem of re-defining special librarianship in its relation to the profession of documentalists, information officers, and archivists, and especially the requirements in training desirable as preparation for these professions.

Chapter Notes

The May issue of the LAW LIBRARY JOURNAL included an article on past and present Chapter activities. Since then several interesting news items have been received. Some pertain to this year's work but were received too late to be made a part of the article; others tell of plans for future meetings; all bear further evidence of the expanding scope of Chapter work and interests.

New York

On March 28 the New York State Library was host to the law librarians throughout New York state. Although the conference was called to discuss specific problems of mutual interest and to acquaint the guests with the services offered by the State Library, it engendered, also, the idea of organizing the up-state group either as part of the Law Library Association of Greater New York or as a separate unit. In any event, it was thought desirable to perpetuate the idea of an annual state wide conference in Albany. After the professional meeting, those attending were the guests of Matthew Bender and Co. for luncheon, and later toured the Capitol, the State Library and the Court of Appeals.

The Law Library Association of Greater New York held its June meeting at the Faculty Club of Columbia University. The officers elected for 1952-53 are the following:

President: Mr. Harry Bitner
Vice-President: Mr. William C. Taylor
Secretary: Mrs. Meira G. Pimsleur
Treasurer: Mr. Jacob S. Fuchs
Directors: Miss Freada Coleman, Mrs. Dorothy Foley and Mr. Eugene M. Wypyski.

New England

A group of the county law librarians who are members of the Law Librarians of New England met on January 31 to discuss a mutual problem. The hostess was Mrs. Pearl J. Larson of the Middlesex Law Library Association and the meeting was held in Cambridge. The meeting was called for a discussion of the new "Standard

Classification of Expenditures by Kinds of Services and Commodities" prepared by the Director of Accounts in the Division of Corporations and Taxation of the Commonwealth of Massachusetts. County budgets under which the county law libraries in Massachusetts must operate are set up by the General Court (the legislative body of the Commonwealth). Hence any such accounting procedure which applies to county departments must be followed by the county law libraries. Mr. Bradley of the Office of the Director of Accounts joined the group to present the ideas of his department, the reasons for the preparation of the scheme, and its intended use by the legislative committee charged with the preparation of county budgets. By means of specific questions and general discussion, all who were present arrived at a much better understanding of the scheme.

After Mr. Bradley left, there was a discussion of additional mutual library problems.

Philadelphia

Miss Elizabeth Finley, Librarian, Covington & Burling and Treasurer of A.A.L.L., addressed those interested in forming a Philadelphia Chapter at their April meeting. Her talk included a resumé of the Washington Chapter activities. Miss Helen Newman who was scheduled to speak was unable to attend.

Chicago

A special May meeting of the Chicago and Area Association of Law Libraries was devoted to a discussion of cataloging problems under the leadership of Miss Elizabeth Benyon of the University of Chicago Law Library. At the annual business meeting in June the following officers were elected:

President: Miss Elizabeth Benyon
Vice-President: Miss Jean Ashman
Secretary-Treasurer: Miss Dorothy Scarborough
Executive Committee: The Officers and Miss Elaine Teigler and Mr. Frank E. Kolak.

Both May and June Meetings were held with luncheons at the Normandy House in Chicago. The attendance included members and guests from down state Illinois, Indiana and Wisconsin as well as those from Chicago. Plans for a work shop to be held October 24 and 25 at the Northwestern University Law School were presented by the Reverend Redmond Burke, C.S.V., Director of Libraries, De Paul University. The tentative program follows:

Friday, October 24, 1952.

10:00 A.M. General Opening Session (Hoyne Hall Northwestern University, Chicago Campus). How to Make a Survey of a Law Library. Mr. William R. Roalfe.

11:10 A.M. Discussion Groups.

12:30 P.M. Luncheon (Abbott Hall, Northwestern University, Chicago Campus).

2:00 P.M. General Session (Hoyne Hall). How to Record Legal Reference Questions. Miss A. Elizabeth Holt.

3:30 P.M. Discussion Groups

6:30 P.M. Dinner (Informal with no speaker; Abbott Hall).

Saturday, October 25, 1952.

9:30 A.M. Discussion Groups

11:00 A.M. Final General Session
What Professional Organizations Can Do For You.
Miss Jean Ashman.
Resources of the Chicago Area Libraries
Mrs. Ann Paulson.

11:45 A.M. Conclusion of Meeting.

Each discussion group meeting will handle a different topic selected from the following: Circulation Routines, Interlibrary Loans, Binding, Mending Supplies, Records, Librarians' Tools, Shelf Lists, Book Selection, Acquisitions, Law Libraries and Insurance. A special section will be allocated to the speculative and practical problems of cataloging and classification for law libraries. Members of the committee in charge of planning the work shop are Miss A. Elizabeth Holt, Mr. William D. Murphy, and The Reverend Redmond A. Burke, C.S.V., Chairman. Any one interested in law libraries will be welcome to attend. For those interested in football, Northwestern University will play the University of Indiana at Dycke Stadium, Saturday, 1:30 P.M.

Ohio

The Ohio Association of Law Libraries held its mid-year meeting at the Hotel Cleveland in Cleveland, Ohio, on May 16th and 17th, in conjunction with the annual meeting of the Ohio State Bar Association. The Association has adopted the policy of holding its mid-year meeting at the same time and place as the annual meeting of the State Bar Association because it was felt that this would permit closer co-operation with the organized bar and make it convenient for law library trustees to attend the meetings. The wisdom of this was fully demonstrated at this year's meeting when a number of the trustees not only attended the meetings but took an active part in the discussion that followed each portion of the program. The Friday program dealt with committee reports and matters of general interest to all law libraries but the Saturday program was planned principally for county law libraries.

Although the organization is only three years old its growth has far exceeded early expectations. At the present time there are twenty-two county and bar libraries, nine colleges, three private firms, one court and four book-repair and bookbinding firms represented. In addition four library trustees have taken out individual memberships for themselves even though their libraries have institutional memberships. Altogether there are approximately fifty individuals with membership privileges.

This fall the O.A.L.L. will sponsor another Institute on Cataloging at Ohio State University. A workshop will continue the teaching of catalog techniques that were discussed at last year's Institute. Although definite plans have not yet been completed it will be of two or three days' duration sometime in September. Rooms and meals are provided on the Ohio State campus so that the cost is very nominal. Persons outside the organization who are interested in attending the Institute may secure further information by contacting the secretary, Miss Doris R. Fenneberg, College of Law, University of Toledo, Toledo 6, Ohio.

Advisory Sub-Committee Appointed

One of the basic reasons for the formation of the Joint Committee on Coöperation between the A.A.L.L. and A.A.L.S. was the need to provide

a clearing house for problems on library routines. For the past several years the number of questions received has diminished, either because of better knowledge on the part of our members or lack of understanding of the Committee's advisory functions. This year Mr. Erwin Pollack, Chairman, has appointed a sub-committee composed of Bernita Davies, Chairman, Marian Gallagher and Helen Hargrave to take charge of that phase of the Committee's work. Questions may be directed to the Chairman of the Sub-Committee.

Among Our Members

Mr. Earl Borgeson of the Los Angeles County Law Library has been appointed Assistant Law Librarian at Harvard effective September, 1952.

Laurent B. Frantz has succeeded Mrs. Helen S. Ristvedt as Law Librarian of Drake University. Mrs. Ristvedt recently retired.

Miss A. Elizabeth Holt has resigned her position of Assistant in the Law Library of the University of Illinois to become Law Librarian of the University of Nebraska.

The June issue of *Illinois Libraries* includes a description of the law library of Kirkland, Fleming, Green, Martin and Ellis written by William D. Murphy, Librarian of the firm.

Toronto Picture

Anyone wishing to buy a copy of the 1952 Convention picture taken at Hart House may obtain it from Mr. George Johnston, Osgoode Hall, Toronto, Canada.

CHECK LIST OF THE LAW LIBRARY JOURNAL *

Volumes 31-44 (1938-1951)

Prepared by Lewis W. Morse
Law Librarian, Cornell University

Vol. 31,
- no. 1, Jan. 1938, pp. 1-46
- 2, Mar. 1938, pp. 47-88
- 3, May 1938, pp. 89-126
- 4, July 1938, pp. 127-168
- 5, Sept. 1938, pp. 169-334 Proceedings: 33rd Annual Meeting
- 6, Nov. 1938, pp. 335-387 + Title page and Index to vol. 31 (1938) i-vi

Vol. 32,
- no. 1, Jan. 1939, Title page + pp. 1-46
- 2, Mar. 1939, pp. 47-110
- 3, May 1939, pp. 111-157 + [1]
- 4, July 1939, pp. 159-205 + [1]
- 5, Sept. 1939, pp. 207-398 Proceedings: 34th Annual Meeting
- 6, Nov. 1939, pp. 399-440 + Index to vol. 32 (1939) i-vi

Vol. 33,
- no. 1, Jan. 1940, pp. 1-37 + [1]
- 2, Mar. 1940, pp. 39-80
- 3, May 1940, pp. 81-126
- 4, July 1940, pp. 127-168
- 5, Sept. 1940, pp. 169-386 Proceedings: 35th Annual Meeting
- 6, Nov. 1940, pp. 387-416 + Index to vol. 33 (1940) i-vi

Vol. 34,
- no. 1, Jan. 1941, pp. 1-38
- 2, Mar. 1941, pp. 39-74
- 3, May 1941, pp. 75-118
- 4, July 1941, pp. 119-158
- 5, Sept. 1941, pp. 159-316 Proceedings:

* Continuing the Check List of the Law Library Journal, Vol. 31, Law Library Journal, p. 72.

36th Annual Meeting
6, Nov. 1941, pp. 317-350 + Index to vol. 34 (1941) i-vi

Vol. 35,
no. 1, Jan. 1942, pp. 1-20 + Title page to vol. 34 (1941) + 21-40
2, Mar. 1942, pp. 41-122
3, May 1942, pp. 123-186
4, July 1942, pp. 187-250
5, Sept. 1942, pp. 251-463 + [3] Proceedings: 37th Annual Meeting
6, Nov. 1942, pp. 467-522

Vol. 36,
no. 1, Jan. 1943, pp. 1-28 + Title page and Index to vol. 35 (1942) i-ix + 29-56
2, May 1943, pp. 57-104
3, July 1943, pp. 105-140
4, Sept. 1943, pp. 141-168 + statistical chart
5, Nov. 1943, pp. 169-188 + Title page and Index to vol. 36 (1943) i-v + 189-208

Vol. 37,
no. 1, Feb. 1944, pp. 1-42
2, May 1944, pp. 43-76
3, Aug. 1944, pp. 77-98
4, Nov. 1944, pp. 99-110 + Title page and Index to vol. 37 (1944) i-vi + 111-122

Vol. 38,
no. 1, Feb. 1945, pp. 1-28
2, May 1945, pp. 29-60
3, Aug. 1945, pp. 61-159 + [1] Proceedings: 38th Annual Meeting
4, Nov. 1945, pp. 161-180 + Title page and Index to vol. 38 (1945) i-v + 181-200

Vol. 39,
no. 1, Feb. 1946, pp. 1-34
2, May 1946, pp. 35-70 + [1]
3, Aug. 1946, pp. 73-241 + [1] Proceedings: 39th Annual Meeting
4, Nov. 1946, pp. 243-286
Title page and Index to vol. 39 (1946) pp. i-vii

Vol. 40,
no. 1, Feb. 1947, pp. 1-48
2, May 1947, pp. 49-112
3, Aug. 1947, pp. 113-227 + [1] Proceedings: 40th Annual Meeting
4, Nov. 1947, pp. 229-298 + [2]
Title page and Index to vol. 40 (1947) pp. i-vii

Vol. 41,
no. 1, Feb. 1948, pp. 1-75 + [1]
2, May 1948, pp. 77-159 + [1]
3, Aug. 1948, Picture (Dais at the Annual Banquet) + pp. 161-345 [1] Proceedings: 41st Annual Meeting
4, Nov. 1948, pp. 347-380 + Title page and Index to vol. 41 (1948) i-vii + 381-413

Vol. 42,
no. 1, Feb. 1949, pp. 1-45 + [1]
2, May 1949, pp. 47-100
3, Aug. 1949, pp. 1-1-248 Proceedings: 42nd Annual Meeting
4, Nov. 1949, pp. 249-282 + Title page and Index to vol. 42 (1949) i-vi + 283-314

Vol. 43,
no. 1, Feb. 1950, pp. 1-43 + [1]
2, May 1950, pp. 45-83 + [1]
3, Aug. 1950, pp. 85-139 + [1]
4, Nov. 1950, pp. 141-359 Proceedings: 43rd Annual Meeting + Title page and Index to vol. 43 (1950) i-vi

Vol. 44,
no. 1, Feb. 1951, pp. 1-69 + [1]
2, May 1951, pp. 71-118
3, Aug. 1951, pp. 119-293 + [1] Proceedings: 44th Annual Meeting
4, Nov. 1951, pp. 295-351 + Title page and Index to vol. 44 (1951) i-vii

The following numbers of the Journal, v.1-44, are out of print:[1]
Vol. 3, no. 4, Jan. 1911, pp. 35-50

1. Any one having duplicates of these issues which they desire to sell or exchange are asked to write the Editor.

Vol. 4, no. 4, Jan. 1912, pp. 27-37 (1)
Vol. 7, no. 4, Jan. 1915, pp. 73-82
Vol. 8 (no issue number) Oct. 1915, pp. 27-67 (1)
Vol. 9 (no issue number) Apr. 1916, pp. 1-35 (1)
Vol. 9 (no issue number) July 1916, pp. 37-87 (1)
Vol. 10, no. 2, July 1917, pp. 21-49 (1)
Vol. 15, no. 3, Oct. 1922, pp. 43-60
Vol. 17 (1923) Title page + 1 page Contents + 61 pages, Proceedings of 18th Annual Meeting. This number is really Vol. 16, no. 4. It is described as 16 (a) in the Jan. 1937 number of the Law Library Journal (L.L.J. 30: no. 1, p. following Contents page).
Vol. 1, no. 3, Oct. 1908, pp. 41-80

AMENDMENTS TO MEMBERSHIP LIST

("Succeeds" as used in the following list means succeeds to membership in the Association. It is not intended to indicate that the member has succeeded to the same position in the library.)

Allport, Dorothy V. (Act)
U. S. Court of Military Appeals
Washington, D. C.
(Formerly with Home Loan Bank Board)

Alperin, Mrs. Goldie (Inst)
Chicago Bar Association
29 South LaSalle Street
Chicago 3, Illinois
(Succeeds C. P. Denning)

Anderson, Charles B. (Assoc)
West Publishing Company
St. Paul, Minnesota
(Joined July 1952)

Banfield, C. Edna (Inst)
Supreme Court Law Library
Plattsburgh, New York
(Joined June 1952)

Borgeson, Earl (Inst)
Harvard Law School Library
Cambridge, Massachusetts
(Added June 1952)

Browning, Earl W. (Assoc)
Library Binding Inst.
501 Fifth Avenue
New York 17, New York
(Formerly an active member)

Cain, William S. (Inst)
University of Detroit Law Library
630 Jefferson Avenue, E.
Detroit 26, Michigan
(Succeeds Eugene C. LoVasco)

Carson, Guernsey (Act)
San Francisco Law Library
Mills Branch
San Francisco, California
(Succeeds Amos L. Bechtold)

Cartwright, Richard L. (Assoc)
Law Pub.
24 Adelaide Street, East
Toronto, Ontario, Canada
(Joined June 1952)

Chambers, Eugene (Inst)
Harris County Law Library
Civil Courts Building
Houston 2, Texas
(Joined April 1952)

Cobb, Mrs. Gertrude (Inst)
The David L. Follett Memorial Library
Norwich, New York
(Joined April 1952)

Crissey, Lois L. (Act)
University of Buffalo School of Law
77 West Eagle Street
Buffalo 2, New York
(Succeeds Mathilda Jean Claus)

Ducey, Catherine (Act)
Field Building Library
Chicago 3, Illinois
(Succeeds Mrs. M. J. Adams)

Duryea, James J. (Act)
Golden Gate College
Law Library
537 Market Street
San Francisco, California
(Joined June 1952)

Frantz, Laurent B. (Act)
Drake University Law Library
Des Moines, 11, Iowa
(Joined July 1952)

French, Mrs. Grace E. (Inst)
John Marshall Law School
Chicago, Illinois
(Succeeds Noble W. Lee)

Gagnon, Rose (Inst)
Watertown Law Library
Watertown, New York
(Joined June 1952)

Heckel, John W. (Inst)
Los Angeles County Law Library
Los Angeles, California
(Succeeds Earl C. Borgeson)

Hoffman, William B. (Inst)
Nassau County Law Library
New Court House
Mineola, New York
(Joined June 1952)

Holbrook, Frances K. (Inst)
University of California Law Library
405 Hilgard Avenue
Los Angeles 24, California
(Succeeds Thomas S. Dabagh)

Jones, Helen Jane (Inst)
Los Angeles County Law Library
Los Angeles, California
(Succeeds Donna M. Haskell)

Jurow, Lucie S. (Act)
Brooklyn Law School
Brooklyn, New York
(Joined June 1952)

Kenyon, Carleton W. (Inst)
Los Angeles County Law Library
Los Angeles, California
(Succeeds Hazel Reed)

Long, Mrs. Laura (Inst)
Nassau County Law Library
New Court House
Mineola, New York
(Joined June 1952)

McWherter, Mabel (Act)
Evans & McCoy
Cleveland, Ohio
(Joined June 1952)

Mallalieu, Elizabeth L. (Act)
Nebraska State Library
Lincoln 9, Nebraska
(Joined June 1952)

Mansell, Barbara Benson (Inst)
Bexar County Law Library
San Antonio, Texas
(Joined July 1952)

Mattox, C. B., Jr. (Inst)
University of Richmond
T. C. Williams School of Law Library
Richmond, Virginia
(Succeeds Virginia Ivey)

Maverick, Maury (Inst)
Bexar County Law Library
San Antonio, Texas
(Joined July 1952)

Nisbet, F. W. (Inst)
Harris County Law Library
Civil Courts Building
Houston 2, Texas
(Joined April 1952)

Reaves, Velma D.
Legal Reference
Office of Price Stabilization
Washington 25, D. C.
(Joined June 1952)

Roberts, Mrs. Lilly M. (Inst)
University of Michigan Law Library
Ann Arbor, Michigan
(Succeeds Marie C. Thompson)

Rowe, Harold E. (Act)
San Francisco Law Library
San Francisco, California
(Joined June 1952)

Smyth, Mrs. Alice B. (Act)
Ass'n. of the Bar of the City of N. Y.
42 West 44th Street
New York 10, New York
(Joined June 1952)

Sterritt, Mrs. Margaret B. (Act)
Office of Price Stabilization
Washington 25, D. C.
(Joined June 1952)

Varenais, Herta (Inst)
Northeastern University Law Library
47 Mt. Vernon St.
Boston 8, Massachusetts
(Succeeds Lowell S. Nicholson)

Veit, Fritz (Inst)
John Marshall Law School
Chicago, Illinois
(Added July 1952)

Vicentini, Abner Lellis Correa (Act)
Instituto Tecnologico de Aeronautica
San Jose dos Campos
Estado de Sao Paulo
Brazil
(Joined June 1952)

Villegas, Jaime (Assoc)
Libreria J. Villegas
Preciados, 33, Madrid, Spain
(Joined June 1952)

Vincent, Roger L. (Assoc)
CCH Canadian Ltd.
Toronto 10, Canada
(Joined June 1952)

Ward, Mabel M. (Act)
Norfolk County Library

Dedham, Massachusetts
(Joined June 1952)

Washington, Martha (Inst)
Northwestern University
Chicago 11, Illinois
(Succeeds Evelyn Maniotis)

Wheaton, Marjorie E. (Inst)
New York Court of Appeals
500 Court House
Syracuse 2, New York
(Succeeds Mrs. Mabel Corey)

Wilkins, Thomas A. (Act)
Debevoise, Plimpton & McLean
20 Exchange Place
New York 5, New York
(Joined June 1952)

Winters, Donald F. (Act)
Michigan State Library
Law Division
Lansing, Michigan
(Joined June 1952)

Woodard, Mrs. Pauline R. (Inst)
Vanderbilt University Law Library
Nashville, Tenn.
(Succeeds Paul J. Hartman)

CHECK LIST OF NATIONAL REPORTER SYSTEM

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	Last Vol. to Appear
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Advance Sheets	89
Federal Reporter, Second Series	194
Advance Sheets	196
Federal Rules Decisions	11
Advance Sheets	12
Federal Supplement	102
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South Eastern Reporter, Second Series	69
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ALABAMA			
Reports	. . .	West Pub Co.	256
App. Reports	. . .	West Pub Co.	35
Session laws	Biennial	Secretary of State	1950 Spec. Sess. 1951 Organizational Sess. 1951 Spec. Sess. 1951 Reg. Sess., 2v.
Code, Compilation or Revision		Secretary of State	1940 Code A. 10v. with 1951 P. P.
ALASKA			
Reports	. . .	West Pub. Co.	12
Session laws	Odd years	Secretary of Territory	1951
Code, Compilation or Revision		Auditor of Alaska, Juneau	Comp. L. 1949 1v.
Compiled Laws	. . .	Bancroft-Whitney Co.	1949, 3 v.
ARIZONA			
Reports	. . .	West Pub. Co.	73
Session laws	Odd years	Secretary of State	1951
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ARKANSAS			
Reports	. . .	Secretary of State	218
Session laws	Odd years	Secretary of State	1951
Code, Compilation or Revision		Bobbs-Merrill Co.	Stats. A. 1947, 8v., 1951 P. P.
CALIFORNIA			
Reports	. . .	Bancroft-Whitney & Co.	37 (2d)
App. Reports	. . .	Bancroft-Whitney & Co.	107 (2d)
Advance Parts	. . .	Recorder Ptg. & Pub. Co.	Weekly
Session laws	Annual	Secretary of State	3d Ex. Sess., 1950, Reg. Sess. 1951 2v.
Code, Compilation or Revision		Bancroft-Whitney & Co.	1951, 2v. 1947

DEERINGS CODES

Agricultural Anno. 1950, 1951 P. P.
Business and Professions Anno. 2 v. 1951, 1951 P. P.
Civil, 1949, 1951 P. P.
Civil Procedure and Probate, 1949, 1951 P. P.
Corporations, Anno. 1948, 1951 P. P.
Education, 1943, 1949 P. P., 1951 Pam. Supp.
Election, 1943, 1951 P. P.
Evidence, Anno. 1947, 1951 P. P.
Financial, Anno. 1951
Fish and Game, 1943, 1951 P. P.
General Laws, 3 v. 1944, 1949 P. P., 1951 Pam. Supp.
Government, Anno. 4 v. 1951
Harbors and Navigation, 1943, 1951 P. P.
Health and Safety, 1943, 1949 P. P., 1951 Pam. Supp.
Insurance, Anno. 2 v. 1950, 1951 P. P.
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Military and Veterans, 1943, 1951 P. P.
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Probate, Anno. 1944, 1951 P. P.
Public Resources, 1944, 1951 P. P.
Public Utilities, Anno. 1951
Revenue and Taxation, 1944, 1949 P. P., 1951 Pam. Supp.
Streets and Highways, 1945, 1951 P. P.
Vehicle, Anno. 1948, 1951 P. P.
Water, 1943, 1949 P. P., 1951 Pam. Supp.
Welfare Institutions, 1944, 1951 P. P.

† With acknowledgments to West Pub. Co.

Publication	Dates of Regular Sessions	Source	Latest Vol. to Appear
CANAL ZONE			
Reports		Executive Secretary, Panama Canal, Balboa Heights, C. Z.	5
Code, Compilation or Revision		Superintendent of Documents, Washington, D. C.	1934 Code A. 1v.
		The Chief of Office, The Panama Canal, Washington	Temp. Supp. No. 9, 1950
COLORADO			
Reports		A. B. Hirshfield Press, Denver, Col.	123
Session laws	Odd years	Secretary of State	1951
Code, Compilation or Revision		Michie Co.	1935 Stat. 6v. 1941 Repl. v. 1 1949 Repl. v. 4A, 4B 1951 P. P.
CONNECTICUT			
Reports		E. E. Dissell & Co., Hartford, Conn.	137
*Advance Parts		E. E. Dissell & Co., Hartford, Conn.	
Conn. Supp.		Connecticut Law Journal Pub. Co.	16
Sup. Ct. Rep.		Bridgeport, Conn.	
Com. Pleas. Rep.		(Selected cases by Judges)	
*Conn. Law Journal		Weekly continuations	
Special Acts	Odd years	State Librarian	1951
Code, Compilation or Revision		E. E. Dissell & Co., Hartford, Conn.	1949 Gen. Stat. 4v. 1951 Supp.
DELAWARE			
Reports		State Librarian	45
Chancery reports		State Librarian	29
Session laws	Odd years	State Librarian	1951
Code, Compilation or Revision		Delaware State Library, Dover, Del.	1935 Code 1v.
DISTRICT OF COLUMBIA			
Appeals		West Pub. Co.	88
Acts Affecting D. C.		John Byrne & Co.	42
Code, Compilation or Revision		Government Printing Office	1940 Code A. 2v. Supp. No. 7
FLORIDA			
Reports		Marchal of Supreme Court, Tallahassee	160
Florida Cases		West Pub. Co.	42-47 So. 2d
Session laws	Odd years	Secretary of State	1951 Gen. 1951 Spec. Acts 2v.
Code, Compilation or Revision		Secretary of State	1951 2v.
Florida Statutes Annotated		West Pub Co.—Harrison Co.	1951 P. P.
GEORGIA			
Reports		The Harrison Co.	207
App. Reports		The Harrison Co.	84
Session laws	Odd years	State Librarian	1952
Code, Compilation or Revision		The Harrison Co.	1933 Code 1v.
HAWAII			
Reports		Clerk of Supreme Court	38
*Advance Parts		Clerk of Supreme Court	
Session Laws	Odd years	Secretary of Territory	1949
Code, Compilation or Revision		Secretary of Territory	1945

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IDAHO			
Reports		West Pub. Co.	71
Session laws	Odd years	York Ptg. Co., Boise	1951
Code, Compilation or Revision		Bobbs-Merrill Co., Indianapolis, Ind.	1947 Code A. 1951 P. P.
ILLINOIS			
Reports		Edwin H. Cooke, Bloomington	410
*Advance Parts		Edwin H. Cooke, Bloomington	
App. Reports		Callaghan & Co.	344
*Advance Parts		Callaghan & Co.	
Court of Claims Reports		State Printer	19
Session laws	Odd years	Secretary of State	1951
Code, Compilation or Revision		The Burdette Smith Co.	1951 Stat. 2v. State Bar Ed.
Smith-Hurd Illinois Statutes Annotated		West Pub. Co.—Burdette Smith Co.	1951 P. P.
Jones, Ill. Stat. Anno.		Callaghan & Co.	30 v. with 1934-49 Supp. 6 v. 1951 P. P.
INDIANA			
Reports		Supreme Court Reporter	229
App. Reports		Supreme Court Reporter	121
Session laws	Odd years	Secretary of State	1951
Code, Compilation or Revision		Bobbs-Merrill Co.	1933 Burns' Stat. A. 19v. Replacements v. 2, 4, 5, 6, 7, 8, 9, 11; 1951 P. P.
IOWA			
Reports		Superintendent of Printing	242
Session laws	Odd years	Superintendent of Printing	1951
Code, Compilation or Revision		Superintendent of Printing	1950 Code 3v.
Iowa Code Annotated		West Pub. Co.	60 vols. 1951 P. P.
KANSAS			
Reports		State Librarian	170
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Session laws	Odd years	Secretary of State	1951
Code, Compilation or Revision		Secretary of State	1949 Gen. Stat. A Cum. Supp. 1951 1v.
KENTUCKY			
Reports		State Librarian	313
*Advance Parts		State Librarian	
Session laws	Even years	State Librarian	1951 Ex. Sess.
Code, Compilation or Revision		Statute Revision Commission	1948 Rev. Stat. & Anno., 2v. 1949 Cum. Supp.
LOUISIANA			
Reports		West Pub. Co.	219
Session laws	Even years	Secretary of State	1950 Reg. & Ex.
Code, Compilation or Revision		Secretary of State	Rev. Stat. 1950, 7 vols. 1951 P. P.
		West Pub. Co.	West's La. Stat. Anno. 28v. 1951 P. P., Civil Code 6v.
		Bobbs-Merrill Co.	Const., Codes, etc., 1925-45, 12v., with 1949 P. P.
MAINE			
Reports		Southworth Anthoenson Press, Portland	143
Session laws	Odd years	Book Dealers in Portland and Bangor	Public; Private & Spec.
Code, Compilation or Revision		Department of State	1951

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MARYLAND			
Reports		George W. King Printing Co.	192
*Advance Parts		George W. King Printing Co.	
Baltimore City Rep.		Daily Record Pub. Co., Baltimore	v. 4 (1919-1928)
Session laws	Odd years	State Librarian	1951
Code, Compilation or Revision		Dept. of Leg. Ref., Baltimore	1939 Code A. 2v. 1947 Supp.
MASSACHUSETTS			
Reports		Wright & Potter Ptg. Co., Boston	326
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App. Div. Rep.		Lawyers' Brief & Pub. Co., Boston	12
Session laws	Annual	Secretary of the Commonwealth	1950
Code, Compilation or Revision		Department of Secretary	1932 Gen. L. 2v.
Mass. Annotated Laws		Lawyers Co-op.—Michie	13 v. 1932; v. 1-10, Index recomp. 4, 5 1950 P. P.
MICHIGAN			
Reports		Lawyers Co-op. Pub. Co.	330
*Advance Parts		Lawyers Co-op. Pub. Co.	
Session laws	Odd years	Secretary of State	1951 Reg. & Ex.
Code, Compilation or Revision		Secretary of State	1948 Comp. L. 5v., Anno. 1v.
Mich. Statutes Annot.		Callaghan & Co.	27 v. 1949 P. P.
MINNESOTA			
Reports		Johnson Pub. Co., St. Paul	234
Session laws	Odd years	Secretary of State	1951
Code, Compilation or Revision		Comr. of Administration, St. Paul	1949 2v.
Minnesota Statutes Annotated		West Pub. Co.	45v. 1951 P. P.
MISSISSIPPI			
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Session laws	Even years	Secretary of State	1950
Code, Compilation or Revision		Harrison Company-L. Co-op.	1942 Code A. 8v., 1950 P. P.
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Reports		Stephens Pub. Co., Columbia	361
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Session laws	Odd years	Secretary of State	1949 1v.
Code, Compilation or Revision		Secretary of State	1949 Rev. Stat. 2v.
		Thomas Law Book Co., St. Louis	
Vernon Anno. Missouri Statutes		Vernon Law Book Co.	1-20 vols.
MONTANA			
Reports		State Publishing Co., Helena	124
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Code, Compilation or Revision		The Allen Smith Co., Indianapolis	1947 Rev. Code A. 9v. 1951 P. P.
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Reports		State Librarian	154
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NEVADA			
Reports		Secretary of State	65
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Code, Compilation or Revision		Bender-Moss Co., San Francisco	1929 Com. L. A. 6v. with 1931-41 Cum. Supp., 2v., 1943-49 Supp., 1v.
NEW HAMPSHIRE			
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Session laws	Odd years	Secretary of State	1950 Spec., 1951 Reg., 1v.
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NEW JERSEY			
Reports		Soney & Sage Co.	8
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Session laws	Annual	Secretary of State	1951
Code, Compilation or Revision		Gann Pub. Co.	1937 Rev. Stat. 5v.
		Gann Pub. Co.	1938-47 Supps., 3v.
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		Soney & Sage Co.	1951 P. P.
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Session laws	Odd years	Secretary of State	1951
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State Dept. Reports		Publishers Ptg. Co., 207 W. 25th St., N. Y. City†	65
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*Advance Parts		West Pub. Co.	
Session laws	Annual	Williams Press, Inc., Albany	Reg. & Ex. 1951
Code, Compilation or Revision		Edward Thompson Co.	1939 Laws 4v. 1942-50 Supp., 6v.
McKinney's Consol. Laws		Edward Thompson Co.	1952 P. P.
Consolidated Laws Service		Lawyers Co-op Pub. Co.	v. 10, 1951 P. P.
Banks-Baldwin Consol. Laws		Banks-Baldwin Co.	8v. 1938-48 Supp. 2v.
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Session laws	Odd years	Secretary of State	1951
Code, Compilation or Revision		The Michie Co.	1943 Code A., 8v., with 1951 P. P.

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† Orders must be placed with N. Y. State Division of the Budget, Albany, N. Y.

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Session laws	Odd years	Secretary of State	Reg. & 1st Spec. Sess. 1951
Code, Compilation or Revision		Banks-Baldwin Law Pub. Co.	1940 Throckmorton's Code A. 1v. 1945 Supp.
Code, Page's Lifetime ed.		W. H. Anderson Co.	14v. & 1951 pocket parts
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Reports		Mid-West Ptg. Co., Tulsa, Okla.	204
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Session laws	Odd years	Secretary of State	1951
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PENNSYLVANIA			
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Session laws	Odd years	Bureau of Publication	1949 2v.
Code, Compilation or Revision		West Pub. Co.	1936 Purdon's Stats. 1v.
Purdon's Pa. Statutes Annotated		Geo. T. Bisel Co. Soney & Sage Co., West Pub. Co.	1951 P. P.
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Reports		Lawyers Co-op Pub. Co.	68
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PUERTO RICO			
Reports		Dept. of Interior, Washington	61
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RHODE ISLAND			
Reports		Secy. of State, Providence	76
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Acts and Resolves	Annual	State Librarian	1950
Public laws	Annual	State Librarian	1951
Code, Compilation or Revision		Secretary of State	1938 Gen. L. A. 2v.
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Reports		R. L. Bryan, Columbus	219
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Session laws	Annual	State Library	1952
Code, Comparison or Revision		Code Commissioner	1942 Code A. 5v. 1948 Supp. 1v.
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		Code Commission	Code 1932 1v. Supp. 1950 2v.
TEXAS			
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Code, Compilation or Revision		Vernon Law Book Co.	1948 Stat. 2v. 1952 Supp., 1v.
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Att'y. Gen. Opinions		Government Printing Office	40
*Advance Parts		Government Printing Office	41
Aviation Reports		U. S. Aviation Reports, Inc., Baltimore	Sept. 1951
Civ. Aeronautics Dec.		Government Printing Office	8
Court of Claims		Government Printing Office	120
Compt. Gen. Dec.		Government Printing Office	29
*Advance Parts		Government Printing Office	30
Customs Ct. Reports		Government Printing Office	23
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(same): Patents.		Government Printing Office	38
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Fed. Pwr. Com. Rep.		Government Printing Office	7
Federal Reporter		West Pub. Co.	194 (2d)
*Advance Parts		West Pub. Co.	196 (2d)
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*Advance Parts		West Pub. Co.	104
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*Advance Parts		West Pub. Co.	12
Federal Trade Com. Dec.		Government Printing Office	44
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Natl. Labor Rel. Bd. Decision & Orders		Government Printing Office	88
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Patents, Dec. of Com. of		Lawyers Co-op. Pub. Co. Government Printing Office	1949
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Statutes at Large		Government Printing Office	63 Part 1
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Code, Compilation or Revision		Government Printing Office	1946 Code 5v. and Supp. IV, 2v.
United States Code Annotated		West Pub. Co. Edward Thompson Co.	1951 P. P.
UTAH			
Reports		Arrow Press	113
Session laws	Odd years	Inland Ptg. Co., Kaysville	1951
Code, Compilation or Revision		Callaghan & Co.	1943 A. 6v. with 1951 P. P.
VERMONT			
Reports		State Librarian	115
Advance Parts		State Librarian	
Session laws	Odd years	State Librarian	1951
Code, Compilation or Revision		Vermont State Library	Stat. Rev. 1947
VIRGINIA			
Reports		Div. of Purchases & Ptg., Richmond	192
Session laws	Even years	Div. of Purchases & Ptg., Richmond	1950
Code, Compilation or Revision		Michie Co.	1950 VA. Code Anno. 10 vols. 1950 P. P.

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WASHINGTON			
Reports		Bancroft, Whitney & Co.	39 (2d)
Advance Parts		Bancroft, Whitney & Co.	
Session laws	Odd years	State Law Librarian	1950 Ex., 1951, Ex., 1951 Reg., 1v.
Code, Compilation or Revision		Bancroft, Whitney & Co.	Pierce's Perpetual Code (P.P.C.) 1943 2v.
		State Librarian	Rev. Code 1951, 6v.
WEST VIRGINIA			
Reports		Secretary of State	131
Session laws	Odd years	Secretary of State	1951
Code, Compilation or Revision		Michie Company	1949 Code A. 1v
WISCONSIN			
Reports		Callaghan & Co.	258
Advance Parts		Callaghan & Co.	
Session laws	Odd years	Bureau of Purchases, Madison	1951
Code, Compilation or Revision		Bureau of Purchases, Madison	1951 1v.
WYOMING			
Reports		Prairie Pub. C., Caspar	68
Session laws	Odd years	Secretary of State	1951
Code, Compilation or Revision		Bobbs-Merrill	Comp. Stat. Anno. 1945 5v. 1951 P. P.

CURRENT PUBLICATIONS

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Members of the Special Committee on Publications will be glad to receive any comments in regard to the bibliography. They are: Harry Bitner, Katharine B. Day, Virginia Dunlap, Fannie J. Klein, Frank E. Kolak and Dorothy Scarborough, Chairman.

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